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Washington, Friday, October 24, 1952

TITLE 29—LABOR

**Chapter V—Wage and Hour Division,
Department of Labor**

**PART 526—INDUSTRIES OF A SEASONAL
NATURE**

**DETERMINATION THAT HANDLING, PACKING,
STORING, PREPARING IN THEIR RAW OR
NATURAL STATE, FIRST PROCESSING OR
CANNING OF PERISHABLE OR SEASONAL
FRESH FRUITS OR VEGETABLES ARE INDUS-
TRIES OF A SEASONAL NATURE**

On August 24, 1940 (5 F. R. 3167) the Administrator of the Wage and Hour Division issued a determination that the "first processing" of perishable or seasonal fresh fruits and vegetables is part of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act. When this determination was issued, it was the position of the Division that the term "first processing" did not include by-product operations. This construction was in accordance with the Division's interpretation of the term for purposes of the exemption provided for first processing fresh fruits and vegetables in section 7 (c) of the act.

Certain modifications and clarifications were made in the Department of Labor's interpretation of "first processing" as used in section 7 (c) of the act on August 30, 1952 (17 F. R. 7929). As there stated, an employer who commences first processing operations on a perishable or seasonal fresh fruit or vegetable is, for the purpose of section 7 (c), considered engaged in "first processing" throughout each series of operations, including by-product operations, which commence with the initial processing of fresh fruits or vegetables and are performed in the same place of employment as a continuous series of operations during which the commodities remain perishable.

Although the Department has adopted this modified position with regard to the section 7 (c) exemption it is not the intention to extend the determination of August 24, 1940, referred to above, beyond its original scope. In order to make this intention clear on the face of the determination and to avoid any possible misconstruction, the determination of August 24, 1940, should be amended to

indicate more clearly the original meaning of "first processing."

In order to accomplish this purpose notice is hereby given that paragraph 5 of the Administrator's determination published in the *FEDERAL REGISTER* on August 24, 1940 (5 F. R. 3167) is amended by adding at the end thereof, the following sentence: "As used in this determination, the first processing of perishable or seasonal fresh fruits or vegetables includes the initial operation which changes the form of the whole fresh fruit or vegetable and all operations on its main portions when performed in a single process as a continuous series of operations throughout which the commodity remains perishable, but does not include by-product operations."

In view of the fact that this amendment is intended only to clarify the application of the determination referred to above it has been concluded that the public procedure and notice requirements of section 4 of the Administrative Procedure Act need not be complied with. Accordingly, this amendment will become effective upon publication in the *FEDERAL REGISTER*.

(52 Stat. 1060; 29 U. S. C. 201-219)

Signed at Washington, D. C., this 17th day of October 1952.

WM. R. McCOMB,
 Administrator, Wage and Hour
 and Public Contracts Divi-
 sions.

[F. R. Doc. 52—11463; Filed, Oct. 23, 1952;
8:48 a. m.]

TITLE 7—AGRICULTURE

**Chapter VIII—Production and Market-
ing Administration (Sugar Branch),
Department of Agriculture**

**Subchapter B—Sugar Requirements and Quotas
[Sugar Reg. 811, Rev. 1]**

**PART 811—SUGAR REQUIREMENTS,
CONTINENTAL UNITED STATES**

REQUIREMENTS FOR 1952

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secre-

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tary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1952 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public

interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1952 (16 F. R. 12929), is hereby revised to read as follows:

§ 811.4 *Sugar requirements, 1952.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1952 is hereby determined to be 7,800,000 short tons, raw value.

Statement of bases and considerations. On December 20, 1951, the supply of sugar required from quota sources in 1952 was determined to be 7,700,000 short tons, raw value. It was indicated at that time that distribution in the 12 months ended October 31, 1951, was about 7,850,000 short tons, raw value, that about 150,000 tons had been used in the 12 months from "invisible" inventories and that further depletion in such inventories probably would occur by December 31, 1951. Final distribution data for 1951 show a total of about 7,737,000 tons and "invisible" inventory statistics indicate the use of an additional quantity of approximately 250,000 tons. Thus, total use in 1951 appears to have been about 8,000,000 short tons. These quantities were utilized at annual average prices of 6.06 cents per pound for raw sugar and 8.38 cents, wholesale, New York basis, for refined sugar. Prices of 5.75 cents for raw sugar and 8.25 cents for refined prevailed at the time that the 7,700,000-ton determination was made. In that determination it was stated that these prices were too low to maintain the domestic sugar industry as required by the Sugar Act of 1948 and the quantity established reflected a reduction of 400,000 tons as a price stimulus.

Beginning in early June, the price of raw sugar, duty paid, New York, fluctuated between 6.37 and 6.62 cents per pound and the generally quoted basis price for refined sugar was 8.80 cents. Average prices for the first nine months of 1952 were 6.23 cents for raw sugar and 8.57 cents for refined sugar. In light of the specific criteria set forth in section 201 of the Sugar Act of 1948 and trends of other prices, refined sugar prices have not attained levels which are "excessive to consumers."

By September 1, refiners, importers and processors of mainland sugarcane and sugar beets had distributed 5,566,601 short tons of sugar, raw value. This was 240,000 more than was distributed in the comparable period of 1951. By October 11, distribution in 1952 was about 291,000 tons greater than by the comparable date in 1951. Total distribution for 1951 was about 7,737,000 tons. Distribution in September-December has increased gradually from about 2,267,000 tons in 1948 to 2,401,000 tons in 1951. If this trend continues in

1952, total distribution should be slightly in excess of 8,000,000 short tons, raw value. The difference between actual distribution and total quotas for a year is accounted for by changes in refiners and importers stocks.

Although an increase in quotas is necessary for continued market activity, in consideration of all stock and price data, the increase is limited to 100,000 tons, continuing a negative allowance for price effect.

Accordingly, the total of the quotas is increased by this action to 7,800,000 short tons, raw value.

(Sec. 403, 61 Stat. 932; 7 U. S. C., Sup., 1153)

Done at Washington, D. C., this 21st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52-11499; Filed, Oct. 23, 1952;
8:50 a. m.]

[Sugar Reg. 813, Amdt. 4]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1952 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and the requirements estimate shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus the statute states specifically how quotas are to be revised when there is a change in the estimate of requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), Sugar Regulation 813 (16 F. R. 13032; 17 F. R. 5691, 6758, 8449), establishing sugar quotas for 1952 is hereby amended as hereinafter set forth.

1. Section 813.32 is changed to read:

§ 813.32 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202

of the act, for foreign countries for the calendar year 1952 the following quotas.

Area:	Quota in terms of short tons, raw value
Republic of the Philippines.....	974,000
Cuba.....	2,523,211
Other foreign countries.....	34,789

2. Paragraphs (e) and (f) of § 813.33 are changed to read:

§ 813.33 *Determination and proration of area deficits.* * * *

(e) *Deficit in proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) of the act amount to 34,966,419 pounds of sugar, raw value, and that by September 1, 1952, Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru, and the United Kingdom had filled their prorations of such quota in effect on that date.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	Additional prorations in pounds, raw value
Colombia.....	484
Costa Rica.....	37,329
Dominican Republic.....	12,085,510
Haiti.....	1,670,272
Netherlands.....	394,843
Peru.....	20,142,455
United Kingdom.....	635,526

3. Paragraph (a) of § 813.34 is changed to read:

§ 813.34 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines—(a) Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	Proration in pounds, raw value
Belgium.....	411,078
Canada.....	788,059
China and Hongkong.....	402,426
Czechoslovakia.....	387,770
Dominican Republic.....	9,314,271
Dutch East Indies.....	295,253
Guatemala.....	467,778
Haiti.....	1,257,274
Honduras.....	4,794,476
Mexico.....	8,425,059
Netherlands.....	304,305
Nicaragua.....	14,276,236
Peru.....	15,523,738
Salvador.....	11,465,369
United Kingdom.....	489,798
Venezuela.....	405,063
Other countries.....	59,957

Subtotal.....	69,078,000
Unallotted reserve.....	500,000
Total.....	69,578,000

Statement of bases and considerations—Revised quotas due to increase in requirements. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised estimate of requirements exceeds the quotas for domestic areas and the Republic of the Philippines on the basis of 98.64 percent to Cuba and 1.36 percent to "Other Foreign Countries" as provided in section 202 (c) of the act. In addition, the revised quota for "Other Foreign Countries", after setting aside 500,000 pounds for an unallotted reserve, has been prorated on the basis of the division of the quota made in General Sugar Quota Regulations, Series 4, No. 1, issued December 12, 1936, as provided in section 202 (c).

Area deficit. Section 204 (b) of the act provides that if on the first day of September in any calendar year any part

or all of any proration of the basic quota to a foreign country other than Cuba and the Republic of the Philippines has not been filled, the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date. Such revision was made by S. R. 813, Amendment 3 (17 F. R. 8449) on the basis of the basic quota for such countries prevailing on that date. Inasmuch as only Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru and the United Kingdom had filled their prorations of the smaller basic quota then prevailing, the unfilled portions of the quota established in § 813.32 herein and prorated in § 813.34 (a) is reallocated in § 813.33 (h) to the seven countries indicated above.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS, 1952

[Short tons, raw value]

Production area	Basic quota	Proration of deficits		Adjusted basic proration Sept. 1, 1952	Adjusted quota
		Philippines	Beets		
Domestic beet sugar ¹	1,800,000		(300,000)		1,500,000
Mainland cane sugar	500,000		24,810		524,810
Hawaii ¹	1,052,000				1,052,000
Puerto Rico ¹	910,000		45,155		955,155
Virgin Islands	6,000		298		6,298
Philippines ¹	974,000	(300,000)			774,000
Cuba ¹	2,523,211	190,000	129,737		2,842,948
Other foreign countries: ^{2,3}					
Belgium	205.5				
Canada	394.0				
China and Hongkong	201.2			0.3	.3
Czechoslovakia	183.9				
Dominican Republic	4,657.1	2,695.8		10,699.9	13,393.7
Dutch East Indies	147.6				
Guatemala	233.9				
Haiti	643.6	372.6		1,478.8	1,881.4
Honduras	2,397.2				
Mexico	4,212.6	2,438.5		66.2	2,504.7
Netherlands	152.2			349.6	349.6
Nicaragua	7,138.2			3,764.9	3,764.9
Peru	7,761.9	4,493.1		17,833.1	22,326.2
Salvador	5,752.7				
United Kingdom	244.9			562.7	562.7
Venezuela	202.5				
Other countries	30.0			33.5	33.5
Unallotted reserve	250.0				
Subtotal	34,789.0	10,000.0		34,789.0	44,789.0
Total	7,800,000				7,800,000

¹ The following quantities may be entered as direct consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,033; Philippines, 59,930; Cuba, 375,000.

² Prorations of basic quota may be filled with direct consumption or raw sugar. Prorations of Philippine deficit may be filled with raw sugar only.

³ Regardless of deficit proration, by reason of sec. 204 (c) of the act each production area retains its basic quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Supp., 1153)

Done at Washington, D. C., this 21st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52-11500; Filed, Oct. 23, 1952;
8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 509—ALMONDS GROWN IN CALIFORNIA ADDITIONAL OUTLETS FOR SURPLUS ALMONDS

Correction

In the first sentence of the first paragraph of F. R. Doc. 52-11451, appearing

on page 9584 of the issue of Wednesday, October 22, 1952, the date "September 7, 1952" should read "September 17, 1952" and "Marketing Agreement No. 19" should read "Marketing Agreement No. 119".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 4]

CPR 34—SERVICES

MODIFICATION OF POSTING REQUIREMENTS

Correction

In F. R. Doc. 52-11520, appearing on page 9602 of the issue for Thursday, October 23, 1952, the following change should be made:

In the eighth and ninth lines of the paragraph under item 1, "cutioners" should read "customers".

[Ceiling Price Regulation 34, Amdt. 9 to Supplementary Regulation 3, Correction]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL FLAT RATE MANUALS; CORRECTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Correction to Amendment 9 to Supplementary Regulation 3 to Ceiling Price Regulation 34 is hereby issued.

Through inadvertence Amendment 9 to Supplementary Regulation 3 to Ceiling Price Regulation 34, issued September 8, 1952 (17 F. R. 8118) did not include Appendix RR the "Notice" to be affixed to the Chevrolet 1952 Supplement to 1946-1950 Chassis Flat Rate Schedule.

Accordingly, the following Appendix is added to the amendment.

APPENDIX RR

This is the "Notice" for the 1952 Supplement to Chevrolet Chassis Flat Rate Schedule.

NOTICE

You are permitted by OPS to use this Manual, and you must use the Supplement to arrive at your ceiling price for a given job:

If—

(1) You use the computation table printed in the 1946-50 manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up all Blank Models, \$....., Refining brakes on 1951 Blank Cars, \$.....); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11559; Filed, Oct. 23, 1952;
11:51 a. m.]

[Ceiling Price Regulation 34, Amdt. 11 to
Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 11 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (rr), paragraphs (ss) to (uu) inclusive as follows:

(ss) Chilton's Motor Age Body and Frame Manual, Third Edition, 1952.

(tt) 1952 Buick Flat Rate Manual, Chassis.

(uu) 1953 Ford Suggested Time Schedule, Passenger Cars.

2. Appendices SS to UU are added after Appendix RR as follows:

APPENDIX SS

This is the "Notice" for the Chilton's Motor Age Body and Frame Manual, Third Edition, 1952.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Charge Conversion table printed in the back part of the manual to compute the ceiling price for each job, and reduce the price list here for that job to one based on your own authorized customers' hourly rate which you charged in the base period December 19, 1950, to January 25, 1951, inclusive, if it is below \$4.00 for body work or \$3.00 for mechanical work; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34 is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Hood Assembly, re-finish to match car, all Blank Models, \$....., Windshield Glass, replace, all Blank Models \$.....; and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950 to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX TT

This is the Notice for the 1952 Buick Flat Rate Manual, Chassis.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the back of the Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, \$....., Relining brakes on 1951 Buick Cars, \$.....); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use

all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

APPENDIX UU

This is the "Notice" for the 1953 Ford Suggested Time Schedule, Passenger Cars.

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the front part of the Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, \$....., Relining brakes on 1951 Buick Cars, \$.....); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within 10 days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 11 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on October 28, 1952.

Notes: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11562; Filed, Oct. 23, 1952;
4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 16]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE**SEMI-STERILE CANNED MEAT**

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 16 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes from Ceiling Price Regulation (CPR) 74 semi-sterile canned products listed in section 25 when sold by wholesale sellers who otherwise do not deal in meat items covered by one of the wholesale meat regulations—CPR 24, 74, 92 or 101.

At present both CPR 74 and CPR 14, the dry grocery wholesale regulation, establish ceiling prices for semi-sterile canned pork products sold at wholesale. To avoid confusion this amendment provides that CPR 74 will cover wholesale sales of those products by sellers who sell any other commodity the ceiling price of which is governed by one of the following wholesale meat regulations: CPR's 24, 74, 92 or 101. Other sellers of these products deal generally in dry groceries, which are governed by CPR 14. Since these sellers are generally accustomed to CPR 14 and have no occasion, except for semi-sterile canned pork products, to refer to CPR 74 in ascertaining their ceiling prices, placing their sales of these products under CPR 14 will relieve these sellers of the burden of complying with two separate ceiling price regulations.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended by deleting sec. 6 (f) and substituting therefor sec. 6 (f) and (g), reading as follows:

(f) Canned pork produced outside the continental United States and sold in the original container in which it was processed; or

(g) Semi-sterile canned meat, listed in section 25, sold by a seller who does not sell any other commodity the ceiling price of which is determined by Ceiling Price Regulations 24, 74, 92 or 101.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 28, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[P. R. Doc. 52-11563; Filed, Oct. 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 176]

CPR 176—NEW ENGLAND HEMLOCK AND OTHER SPECIES OF NEW ENGLAND SOFTWOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 176 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for New England hemlock lumber. It is intended in the near future to expand the coverage of this regulation so as to provide dollars-and-cents ceiling prices for the other species of New England Softwoods. This regulation covers manufacturers (sawmills, planing mills and concentration yards) producing merchantable rough or surfaced hemlock lumber sawed from hemlock (*Tsuga canadensis*) in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. In recognition of their historic function in this industry, provision is made for allowing commission men, through whom a sale may be made, an addition to the mill ceiling price. Resellers, such as wholesalers and distribution yards, are not under the coverage of this regulation. Their ceiling prices are determined under the General Ceiling Price Regulation or by Supplementary Regulation 87 to the General Ceiling Price Regulation.

Nature of the industry. Hemlock lumber is sawed in these States in approximately 3,000 mills that also cut lumber from the other species of trees common to the region. Hemlock constitutes about 19 percent of the lumber output of these mills and has an annual f. o. b. mill value of more than \$14,000,000.

The 1947 Census of Manufacturers shows that the mills cutting hemlock lumber are preponderantly small mills, 88 percent producing 1 thousand to 1 million board feet per year, all species, and the other 12 percent are larger mills that cut from 1 million to 10 million board feet per year. The mills in Maine, Massachusetts, New Hampshire, and Vermont produce 98 percent of the hemlock lumber. Hemlock lumber is used mainly for construction purposes.

The ceiling prices established by this regulation are at the level of prices prevailing during the period January 25, 1951, through February 24, 1951. These new dollar-and-cent ceilings will eliminate the distorted price pattern frozen under the General Ceiling Price Regulation and will simplify price control compliance and administration in this industry.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable in the formulation of this regulation, the Director of Price Stabilization has given due con-

sideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings in Washington, D. C., with the Industry Advisory Committee for Northeastern Softwoods, and several meetings with the subcommittees.

Every effort has been made to conform this regulation to existing business practices, especially those peculiar to the New England region with respect to the production, sale and distribution of New England hemlock and other species of New England Softwoods lumber. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS**ARTICLE I—COVERAGE**

- Sec. 1.1 What this regulation does.
1.2 Which regulation is superseded.
1.3 Items, species and area of production covered.
1.4 Sellers and transactions covered.
1.5 Geographical applicability.

ARTICLE II—BASIC CEILING PRICES, ADDITIONS, RETAIL-TYPE SALES AND COMMISSION-TYPE SALES

- 2.1 General explanation of ceiling prices.
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2.3 Delivered ceiling prices.
2.4 Retail-type sales.
2.5 Miscellaneous price additions.
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ARTICLE III—PRICING RULES AND GRADES

- 3.1 Pricing rules.
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ARTICLE IV—SPECIAL CEILING PRICES

- 4.1 Establishment of ceiling prices on application.

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- 5.1 Records.
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- 6.1 Modification of proposed ceiling prices by the Director of Price Stabilization.
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6.4 Transfers of business or stock in trade.
6.5 Excise, sales and similar taxes.
6.6 Interpretations.
6.7 Prohibitions and violations.
6.8 Evasions.
6.9 Exports.

ARTICLE VII—BASIC CEILING PRICE TABLES AND ESTABLISHED WEIGHTS

- 7.1 Ceiling prices and established weights for square edge New England Hemlock.

ARTICLE VIII—DEFINITIONS

- 8.1 Definitions.

AUTHORITY: Sections 1.1 to 8.1 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 What this regulation does. This regulation establishes dollars-and-cents ceiling prices for manufacturers' sales of New England Hemlock lumber which are effected directly by manufacturers or through commission men.

SEC. 1.2 Which regulation is superseded. This regulation supersedes the General Ceiling Price Regulation in respect to the transactions covered by this regulation.

SEC. 1.3 Items, species, and area of production covered. This regulation covers all New England Hemlock lumber (*Tsuga canadensis*), rough or dressed, green or dry, produced in the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

SEC. 1.4 Sellers and transactions covered. (a) This regulation applies to all sales by manufacturers of the lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer of lumber, whether or not the sale is effected directly or through a commission man.

(b) The term "manufacturer" includes sawmills, planing mills and concentration yards. Sawmills and planing mills are establishments engaged in the production of lumber from logs or rough lumber by sawing or planing or both. Concentration yards are establishments which obtain lumber, chiefly in rough green form, from several producers; these establishments prepare lumber for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and they sell their lumber chiefly to large industrial users for remanufacture, to resellers, or to building contractors.

(c) The term "commission man" refers to a person who customarily initiates the sale of, and sells, lumber in carload or truckload quantities for two or more manufacturers; he does not purchase for his own account or assume any credit risks; he receives his compensation in the form of a commission based on the amount of lumber sold, and is independent of both buyer and seller.

SEC. 1.5 Geographical applicability. Every manufacturer's sale for delivery (F. O. B. or on a delivered basis) in the 48 states of the United States or in the District of Columbia is subject to this regulation, whether or not the sale of the lumber is made in the United States.

ARTICLE II—BASIC CEILING PRICES, ADDITIONS, RETAIL-TYPE SALES AND COMMISSION-TYPE SALES

SEC. 2.1 General explanation of ceiling prices. (a) The basic ceiling prices established by this regulation are f. o. b. ceiling prices. They are set forth in

Article VII. These basic f. o. b. ceiling prices differ depending upon whether the sale is made: f. o. b. cars or trucks at customary loading points; f. o. b. mill pit; or f. o. b. on sticks in yard.

(b) Sections 2.2 through 2.6 explain how the basic f. o. b. ceiling prices are modified under certain circumstances, as, for example, when you sell your lumber on a delivered basis, or when you sell your lumber through a commission man.

SEC. 2.2 Delivered sales; general. This regulation permits you to sell your lumber on a delivered basis as well as on a f. o. b. basis. On sales on a delivered basis, you may add to the basic f. o. b. cars or trucks ceiling prices the transportation additions as described in section 2.3.

SEC. 2.3 Delivered ceiling prices—(a) Rail carrier. When you sell on a delivered basis and you ship your lumber by rail, the delivered ceiling prices are the basic f. o. b. cars or trucks ceiling prices plus an addition for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in Article VII by the applicable through rail rate in effect at the time of shipment. When a rail shipment is followed by a truck haul, the actual cost of truck delivery may also be added. No addition may be made for a truck haul preceding the rail haul, as, for example, when a mill located away from a railhead hauls lumber by truck to the railhead. The transportation addition must be rounded out to the nearest quarter-dollar per M'BM. The delivered price need not thereafter be revised or adjusted even if the amount actually charged by the rail carrier is different from the addition for transportation included in your delivered price.

(b) *Common or contract carrier other than rail.* When you sell on a delivered basis and the shipment moves entirely by common or contract carrier other than by rail carrier, the actual cost of transportation may be added to the basic f. o. b. cars or trucks ceiling prices.

(c) *Private truck shipments.* When you sell on a delivered basis, and the shipment moves entirely by truck owned or controlled by you the delivered ceiling prices are the basic f. o. b. cars or trucks ceiling prices plus one of the following additions:

(1) For distances up to and including 30 miles, not more than \$5.00 per M'BM.

(2) For distances greater than 30 miles, an amount equal either to the applicable through rail rate in effect at the time of shipment for the equivalent distance multiplied by the appropriate established weight; or an amount equal to the applicable common carrier truck charge.

(d) *Distance defined.* As used in this section, the term distance refers to the actual mileage from your customary loading out point to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your customary loading out point. The term point of destination includes a yard or job site.

SEC. 2.4 Retail-type sales—(a) Increased ceiling prices. On retail-type sales, as defined in paragraph (b) of this section, the ceiling prices are the basic f. o. b. cars or trucks ceiling prices increased by 15 percent.

(b) *Definition and limitations.* (1) A retail-type sale is a sale of less than 10,000 feet board measure to a buyer who is a contractor or ultimate consumer, and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The lumber must be for use within a radius of 50 miles of the seller's customary loading out point by truck. The total quantity of lumber involved in a single transaction or sale, between you and the buyer, without regard to the quantities involved in single deliveries, shall determine whether or not a sale qualifies as a retail-type sale within the meaning of this section.

(2) If you increase the basic f. o. b. cars or trucks ceiling prices for a retail-type sale: You must give the buyer the privilege of exchanging and returning unused lumber; you must rectify promptly any short deliveries from stock you keep on hand for this purpose; you may either deliver the lumber to the buyer at your mill, or at a place the buyer selects, but you may not make a further addition for delivery as permitted in section 2.3; and you may not increase the basic ceiling prices for a commission paid to a commission man as permitted in section 2.6.

SEC. 2.5 Miscellaneous price additions. (a) You may add not more than the amount set forth below to the appropriate basic ceiling (or lower) prices, for the following indicated services:

(1) Antistain treatment by dipping in a vat (not by spraying) containing an effective chemical solution: \$1.00 per M'BM.

(2) Staking, wiring, and separating lumber in open top cars: \$25.00 per car covering all materials and labor.

(3) Erecting, on open or closed cars, bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: \$10.00 per bulkhead covering all materials and labor.

(4) Packaging in sling-loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical loading and reloading: \$3.00 per M'BM covering all materials and labor.

(b) Except for antistain treatment, the additions provided in paragraph (a) of this section may be made only when the indicated services are specifically requested by the buyer.

SEC. 2.6 Commission-type sales—(a) Addition allowed. Except as provided in section 2.4 (b), when a sale of your lumber is brought about by the efforts of a commission man, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the applicable f. o. b. ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual com-

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mission which you pay the commission man. (The term commission man is defined in section 1.4.)

(b) *Pyramiding prohibited.* The price additions permitted for a commission man in this section may not be added more than once regardless of the number of commission men participating in the transaction.

ARTICLE III—PRICING RULES AND GRADES

SEC. 3.1 *Pricing rules.* You must apply the following rules in determining ceiling prices under this regulation:

(a) Lumber sold in a combination of grades, for which no ceiling price is specifically set forth in this regulation, may not be sold above the ceiling price for the lowest priced grade actually included in the combination. However, it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and separately tallied, in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

(b) If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which during the period from December 19, 1950, through January 25, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between December 19, 1950, and January 25, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or bill of lading, whichever is later.

SEC. 3.2 *Grades.* The grade terms used in this regulation relative to Hemlock lumber have the meanings set forth in Standard Grading Rules for Hemlock and Tamarack Lumber published by the Northern Hemlock and Hardwood Manufacturers Association, Oshkosh, Wisconsin, effective July 10, 1947.

ARTICLE IV—SPECIAL CEILING PRICES

SEC. 4.1 *Establishment of ceiling prices on application.*—(a) *Applications.* If you wish to sell a lumber item of any species, grade, size, seasoning, working, or other specification or extra, or if you wish to make an addition for a special service, for which a specific ceiling price is not listed in, or cannot be determined from, this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail, return receipt requested, to establish a ceiling price for the item or special service. Your application, which must be signed by an authorized person, must contain the following:

- (1) Your trade name and address.
- (2) As complete a description as possible of the lumber item or special service for which the application is filed. For the lumber item, you must include the species, grade, size, seasoning, and working (if any), and any other special specification, or extra, together with the quantity to be sold (if known).
- (3) Your proposed ceiling price, which you must base upon the most closely

comparable item or service, for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential which you believe will result in a ceiling price for the item, or service, that is in line with the level of other ceiling prices established by or under this regulation. You must state why you believe the differential you propose will result in a ceiling price for the item, or service, which is in line with the level of other ceiling prices established by this regulation.

(4) Your ceiling price of the item, or service, if any, and of the most closely comparable item, or service, as established by you under the General Ceiling Price Regulation.

(b) *Quotation of proposed ceiling prices.* You may quote a ceiling price proposed under the provisions of paragraph (a) of this section and you may sell at that proposed ceiling price: *Provided,* That you file an application for approval of that special ceiling price within five days after quoting the proposed ceiling price or selling at that price: *And provided further,* That you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item, or service, that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you by letter within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or adjustment at a later date.

(3) No application will be approved under this section unless it is found that a proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all transactions involving the same item or service unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE V—RECORDS AND INVOICES

SEC. 5.1 *Records.*—(a) *Current records.* On and after the effective date of this regulation, every person who sells, and every person who in the regular course of business buys, lumber covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase of lumber subject to this regulation. The records must show:

- (1) The date of the purchase or sale.
- (2) The name and address of the buyer and seller.
- (3) The quantity, grade, size, and condition of lumber covered by this regulation which is sold or bought.
- (4) Prices charged or paid and terms of sale.
- (5) All pertinent information which affects the ceiling prices, such as any specification or extra, and whether each purchase or sale is made on an f. o. b. or on a delivered basis: In the case of a sale on delivered basis your records must show all the transportation charges, together with the rates applied, and the origin and destination of shipment. Records must also show all premiums, discounts and allowances.

The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation.

(c) *Other records.* If you apply for approval of a proposed ceiling price under the provisions of section 4.1 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtain the data you submit in connection with your application for such ceiling price.

SEC. 5.2 *Invoices.* On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which shows the quantity, and a description, of the lumber sold. Any working, condition (green or dry), specification, extra, or service, which bears upon the price charged for your lumber must be set forth in the invoice, but the invoice need not show separately the charge for such items.

(a) On f. o. b. sales, your invoice must also show the f. o. b. price.

(b) On delivered sales, involving a rail or truck shipment, your invoice must also show:

- (1) The delivered price;
- (2) The point of origin and destination of shipment;
- (3) The applicable rail or truck rate; otherwise the amount added for transportation.

ARTICLE VI—MISCELLANEOUS PROVISIONS

SEC. 6.1 *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6.2 *Petitions for amendment.* If you wish to have this regulation

amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

Sec. 6.3 Adjustable pricing. Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

Sec. 6.4 Transfers of business or stock in trade. If the business assets or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

Sec. 6.5 Excise, sales and similar taxes. Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

Sec. 6.6 Interpretations. If you wish an official interpretation of this regulation you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

Sec. 6.7 Prohibitions and violations. (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt or agree to do or omit to do any such acts. Specifically (but not in limitation of the above) you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may, of course, be charged and paid.

(b) If you violate any provisions of this regulation, you are subject to crim-

inal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or, if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Sec. 6.8 Evasions. Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, trade understandings, and breaking up an order or apportioning deliveries in order to get the retail-type sale addition, as well as the omission from records of true data and the inclusion in records of false data.

Sec. 6.9 Exports. The ceiling prices for export sales, or sales for export, of lumber covered by this regulation are governed by Ceiling Price Regulation 61 issued by the Office of Price Stabilization.

ARTICLE VII—BASIC CEILING PRICE TABLES AND ESTABLISHED WEIGHTS

Sec. 7.1 Ceiling prices and established weights for square edge New England Hemlock. The basic ceiling prices f. o. b. cars or trucks at customary loading out points, or f. o. b. on sticks in yard, or f. o. b. mill pit for New England Hemlock lumber processed square edge per 1,000 feet board measure are set forth below in Table I. Established weights for this lumber per 1,000 feet board measure are set forth below in Table 2.

TABLE I

[Basic ceiling prices for New England hemlock lumber f. o. b. cars or trucks at customary loading out points, square edge, green, D4S or D2S & M, and ship lap, R/L, 6- to 14-foot lengths, inclusive.]

3 x 4 and 4 x 4"	\$82.00
2 x 3, 4 and 5"	78.00
2 x 6" and wider	81.00
1 x 4" and wider	80.00
1 x 5" and wider	81.00
1 x 6 and 8"	83.00
No. 3 Hemlock (outs) deduct \$20.00.	

FOOTNOTES

Additions and deductions per M'BM to ceiling prices in Table I.

1. Rough: deduct \$10.00.
2. D1S or D2S: deduct \$2.00.

3. 1 x 3": deduct \$3.00 from 1 x 4" and wider price.
4. 1" Hemlock shorts: deduct \$20.00.
5. Rough in pit: deduct \$14.00.
6. Dry on sticks, 90 days or more: add \$10.00.
7. Dry, 90 days or more, f. o. b. cars or truck: add \$15.00.
8. For each 2 feet over 14 feet length in 2" and thicker: add \$2.00.
9. Timbers 4 x 6" to 8 x 8": add \$4.00 to 2 x 6" and wider prices.
10. Timbers 4 x 10" to 12 x 12": add \$8.00 to 2 x 6" and wider prices.
11. Specified lengths: add \$3.00.
12. Bead or V-joint 1 side: add \$1.00.
13. Bead or V-joint 2 sides: add \$1.50.
14. Siding to pattern No. 105 or No. 106: add \$5.00.
15. Siding to standard patterns other than No. 105 or No. 106, 4" or wider: add \$7.00.
16. D2S and resaw 1 cut: add \$2.50.
17. D2S and resaw 2 cuts: add \$4.50.
18. D4S and resaw 1 cut: add \$4.50.
19. D4S and resaw 2 cuts: add \$6.50.
20. Resaw rough dry 1 cut: add \$6.50 to rough dry ceiling price as calculated in footnote 1 above; and second cut: add additional \$2.00.
21. Ripping: add for each cut \$3.00.
22. No addition for double end trimming.

TABLE II

[Established weights for square edge New England hemlock lumber]

	ROUGH Pounds per M'BM	DRESSED Pounds per M'BM
Green	4,000	3,000
Dry	3,000	2,000

ARTICLE VIII—DEFINITIONS

Sec. 8.1 Definitions. As used in this regulation, the terms which appear in it shall be construed in the following manner unless otherwise clearly required by the context:

Commission man. This term is defined in section 1.4.

Director of Price Stabilization. This term extends to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

Established weights. This term means the weights per 1,000 feet board measure as set forth in Article VII of this regulation.

F. o. b. cars. This term means loaded at the seller's expense on railroad cars at the customary loading out point of the seller.

F. o. b. mill pit. This term means loaded at the seller's expense on buyer's truck or other conveyance at the end of the seller's mill pit.

F. o. b. on sticks in yard. This term refers to lumber piled on sticks in the seller's yard from which point the buyer takes delivery.

F. o. b. trucks. This term means loaded at the seller's expense on the truck of the seller or of a common or contract carrier at the seller's customary loading out point, such as, at the mill site or at the nearest point to the mill site where the carrier sends a truck.

Manufacturer, saw mill, planing mill, concentration yard. These terms are defined in Section 1.4 of this regulation. Note particularly that the term "mill" as used in this regulation includes saw

mills, planing mills, and concentration yards.

M'BM. This abbreviation refers to 1,000 feet board measure of lumber.

Most comparable item or grade. This term means the item or grade of lumber covered by this regulation most nearly like an item or grade for which an application is filed under Article IV of this regulation. That item or grade is the closest one of a group of related items or grades which are normally classed together for pricing purposes, even though they may differ in respect to size or name.

Person. This term includes any individual, corporation, partnership association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other government or political subdivisions or agencies.

Records. This term includes books of accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, settlement sheets and other papers or documents.

Retail type sale. This term is defined in section 2.4.

Sell. This term includes sell, dispose, supply, barter, trade, lease, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Square edge. This term refers to square edge lumber covered by this regulation which is sawn or processed on four sides.

Surfaced, dressed, or worked. These terms refer to lumber when planed to a smooth finish and generally surfaced to a specified thickness. The process of producing surfaced or dressed lumber is known as "surfacing," "dressing," or "planing." Abbreviations used in this regulation are D1S, D2S, and D4S meaning, respectively, "dressed" on 1, 2, and 4 sides.

You. The pronoun "you" indicates any person who manufactures lumber subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective October 28, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TICHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11564; Filed, Oct. 23, 1952;
4:01 p. m.]

[General Ceiling Price Regulation, Amdt. 3
to SR 65]

GCPR, SR 65—ADJUSTMENT OF CEILING
PRICES FOR RETAIL SALES OF PORK
PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this

Amendment 3 to Supplementary Regulation 65 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes four substantive changes in Supplementary Regulation (SR) 65 to the General Ceiling Price Regulation (GCPR):

(1) Heretofore, retailers were required to adjust the retail ceiling prices for pork cuts on the basis of the weekly dollar and cent changes in the prices per pound of each wholesale cut of pork from which the retail cuts were derived. Since the issuance of Amendment 11 to Ceiling Price Regulation (CPR) 74, which provided for higher ceiling prices on wholesale pork cuts, retailers may have been unable to realize the overall margins on pork which they had been able to realize prior to the issuance of Amendment 11. This is due in large part to the fact that SR 65 has permitted retailers to pass on their increased costs of pork only on the portion they resell and not on that portion of the meat they purchase which disappears in fabrication and shrinkage. To remedy this situation, this amendment provides that retailers shall calculate the retail ceiling prices of pork cuts upon a percentage basis as is now provided for lamb, mutton, veal, and calf in SR 79. Retailers who sell pork products derived from wholesale purchases of dressed hogs or live hogs will continue to use the dollar and cent pass through currently provided in sections 6 and 7 of SR 65, since those sections make allowance for meat that disappears through shrinkage and fabrication.

(2) At present, both SR 65 to the GCPR and the dry grocery regulations (CPRs 15 and 16) have provisions establishing ceiling prices for semi-sterile canned pork products, which are listed in Section 25 of CPR 74 and are sold in cans to consumers. In order to avoid the confusion that results from these two different methods of fixing prices, this amendment excludes from SR 65 to the GCPR semi-sterile canned pork products listed in section 25 of CPR 74, which are not removed from the can by the retailer before sale to the consumer.

(3) Certified hog processors who are also retailers could, under the existing requirements of SR 65, secure higher prices than other retailers. To prevent this situation, this amendment specifies that the "seven-day cost" per pound for dressed hogs shall not exceed the ceiling price allowed by section 31 of CPR 74.

(4) Retailers are now faced with the requirement of recalculating their ceiling prices for pork cuts each week. Some small retailers have complained to OPS that this is burdensome and have requested permission to recalculate their pork ceiling prices monthly. Accordingly, section 10 (c) of this regulation is added to allow retailers to elect whether to calculate their ceiling prices for pork cuts on a monthly or on a weekly basis.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade associa-

tion representatives, and has given full consideration to their recommendations.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this amendment may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

1. Section 4 is amended by adding a new subparagraph (f) to read as follows:

(f) Semi-sterile canned pork products, which are listed in section 25 of Ceiling Price Regulation 74, and are sold in cans to consumers.

2. Section 5 is amended to read as follows:

SEC. 5. How to compute the retail ceiling prices for wholesale pork cuts and for pork items derived from wholesale pork cuts. If you buy wholesale pork cuts and resell at retail these cuts or pork items derived from them, you shall determine your ceiling prices for these cuts and items as follows:

(a) Compute separately the total number of pounds of each wholesale pork cut delivered to you between January 19, 1951 and January 25, 1951, inclusive. This period is referred to as your "base week".

(b) Compute separately the total cost of the same wholesale pork cut delivered to you during the "base week". (See section 8 of this supplementary regulation.)

(c) Divide the figure computed under paragraph (a) of this section for each wholesale pork cut into the figure computed under paragraph (b) of this section for the corresponding wholesale cut. The resulting quotient is your base week cost per pound for that wholesale pork cut in dollars and cents. If that wholesale pork cut was not delivered to you during the base week, see section 9 of this supplementary regulation.

(d) Compute separately the total number of pounds of the same wholesale pork cut delivered to you during the seven days preceding each Monday after the effective date of this regulation.

(e) Compute separately the total cost of the same wholesale pork cut delivered to you during the seven days preceding each Monday after the effective date of this regulation. (See section 8 of this supplementary regulation.)

(f) Divide the figure computed under paragraph (d) of this section into the figure computed under paragraph (e) of this section. The resulting quotient is your seven-day cost per pound for that wholesale pork cut, in dollars and cents, but in no case shall this seven-day cost exceed the ceiling price allowed by Ceiling Price Regulation 74.

(g) Divide the figure determined under paragraph (c) of this section, ("base week cost") computed for that wholesale pork cut, into the figure determined under paragraph (f) of this section ("seven-day cost") for the same wholesale pork cut, and round each figure to the nearest whole percent.

(h) Each Monday after October 28, 1952, multiply the figure determined for that wholesale pork cut under paragraph (g) of this section by your ceiling price in dollar and cents per pound as determined under the General Ceiling Price Regulation prior to July 29, 1951, for that wholesale pork cut and for each pork item derived from that cut. The results, rounded to the nearest whole cent, are your dollar and cents per pound retail ceiling prices for that wholesale pork cut and for each pork item derived from that wholesale pork cut, respectively. These ceiling prices will be effective for the seven-day period commencing with that Monday.

EXAMPLE: Between January 19, 1951, and January 25, 1951, 1,000 pounds of pork loins were delivered to you. They cost you \$500.00. Your "base week cost" is \$500.00 for 1,000 pounds or 50 cents per pound. During the seven-day period preceding Monday, August 18, 1952, 500 pounds of pork loins were delivered to you at a total cost of \$300.00. Your current "seven-day cost" for pork loins is \$300.00 for 500 pounds or 60 cents per pound. Divide your "base week cost" per pound for pork loins (\$0.50) into your current "seven-day cost" for pork loins (\$0.60). Multiply the resultant quotient, 1.20, by each of the retail prices for cuts from the pork loin established under GCPR prior to July 29, 1951, to arrive at your new retail ceiling prices for each pork loin cut for the seven-day period commencing with Monday, August 18, 1952. Thus, if your GCPR price prior to July 29, 1951, for center cut pork chops is \$0.73 per pound, your new ceiling price will be $\$0.73 \times 1.20$ or \$0.876, which rounded to the nearest cent is \$0.88 per pound.

3. Section 6 (f) is amended to read as follows:

(f) Divide the figure computed under paragraph (d) of this section into the figure computed under paragraph (e) of this section. The resulting quotient is your seven-day cost per pound for dressed hogs in dollars and cents, but in no case shall this seven-day cost exceed the ceiling price allowed by section 31 of Ceiling Price Regulation 74.

4. Section 10 is amended by adding a new section 10 (c) to read as follows:

(c) *Calculating "seven-day costs" monthly instead of weekly.* (1) Any individual store, or any group of stores under one ownership pricing from a central point, may choose to compute monthly instead of weekly its ceiling prices for retail sales of pork under sections 5, 6, and 7 (a) of this supplementary regulation. If a monthly basis for calculation of retail ceiling prices is selected, the "seven-day cost" per pound will be determined either (i) upon the basis of deliveries received during the seven days preceding the first Monday of each month, or (ii) upon the basis of deliveries received during the seven days preceding the Thursday prior to the first Monday of each month, depending upon which you elect. Once you use one of these two bases, you may not thereafter

use the other basis. Ceiling prices determined on the basis of costs determined in this manner shall be placed in effect on the first Monday of each month.

(2) Once your seven-day cost per pound is computed pursuant to section 10 (c), no other method of computation may be used thereafter. Moreover, if you use this method of computation under either sections 5, 6 or 7 (a), you must use this method for all computations under all three sections.

(3) If this method of determining your ceiling prices is adopted, it must be used for all stores in any group of stores under one ownership pricing from a central point.

5. The first paragraph of section 11 is amended to read as follows:

If in the seven-day period which you use to determine your "seven-day cost" you obtain a given pork cut or item in more than one way (e. g., by purchasing wholesale pork cuts and by cutting dressed hogs), you shall:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 28, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11565; Filed, Oct. 23, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 79]

GCPR, SR 79—ADJUSTMENT OF CEILING PRICES FOR RETAIL SALES OF VEAL, LAMB, AND MUTTON PRODUCTS

ELECTION TO RECALCULATE CEILING PRICES MONTHLY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Supplementary Regulation 79 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Supplementary Regulation (SR) 79 to the General Ceiling Price Regulation (GCPR):

(1) Retailers are now faced with the requirement of recalculating their ceiling prices for veal, lamb and mutton cuts each week. Some small retailers have complained to OPS that this is burdensome and have requested permission to recalculate their veal, lamb and mutton ceiling prices monthly. Accordingly, section 10 (c) of this regulation is added to allow retailers to elect whether to calculate their ceiling prices for veal, lamb or mutton cuts on a monthly or on a weekly basis.

(2) In addition this amendment corrects a typographical error in the title of section 10.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods or means or aids to distribution. Insofar as any provisions of this amendment may operate to compel changes in business practices, cost practices, or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

AMENDATORY PROVISIONS

1. Section 10 is amended by changing the title to read as follows:

SEC. 10. Alternative provisions for determining your "seven-day cost" per pound under sections 4, 5, and 6 of this regulation.

2. Section 10 is further amended by adding a new section 10 (c) to read as follows:

(c) *Calculating "seven-day costs" monthly instead of weekly.* (1) Any individual store, or any group of stores under one ownership pricing from a central point, may choose to compute monthly instead of weekly its ceiling prices for retail sales of veal, lamb, and mutton under sections 4, 5, or 6 of this Supplementary Regulation. If a monthly basis for calculation of retail ceiling prices is selected, the "seven-day cost" per pound will be determined either (i) upon the basis of deliveries received during the seven days preceding the first Monday of each month, or (ii) upon the basis of deliveries received during the seven days preceding the Thursday prior to the first Monday of each month, depending on which you elect. Once you use one of these two bases, you may not thereafter use the other basis. Ceiling prices determined on the basis of costs determined in this manner shall be placed in effect on the first Monday of each month.

(2) Once your seven-day cost per pound is computed pursuant to this section 10 (c) no other method of computation may be used thereafter. Moreover, if you use this method of computation under either sections 4, 5, or 6, you must use this method for all computations under all three sections.

(3) If this method of determining your ceiling prices is adopted, it must be used for all stores in any group of stores under one ownership pricing from a central point.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 28, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11566; Filed, Oct. 23, 1952;
5:01 p. m.]

[General Overriding Regulation 9, Amdt. 26]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXTENSION OF SUSPENSION OF APPLICATION OF CEILING PRICE REGULATIONS TO SALES OF KITS OR SETS OF BOAT PARTS BY MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 26 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

On August 15, 1952, the suspension from price control of ships over 65 feet in length was extended to cover all marine craft, regardless of motive power. Certain builders of boats also make boat kits or sets of parts from which the purchaser can build a complete boat. Boats sold in this manner are similar to the boats completely assembled by the builder before sale. In the opinion of the Director of Price Stabilization no benefit will accrue to the stabilization program from control of the boat kits in view of the earlier suspension of boats. This amendment therefore extends the suspension from price control to boat kits.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

Subparagraph (4) of section 2 (b) is amended to read as follows:

(4) *Ships and boats.* Sales or deliveries, by the builder, of any new ship, boat, barge, canal boat, lighter or tug, or other marine craft whether propelled manually, by sail, by motor power or towed by other craft; and sales or deliveries, by the manufacturer, of any kit or set of boat parts which is capable of being assembled by the buyer into a complete boat without the necessity of purchasing additional parts or hiring additional labor.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 26 to General Overriding Regulation 9 shall become effective October 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11561; Filed, Oct. 23, 1952;
11:51 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Order 12, Revised]

GSO 12—NEW PROFIT-SHARING AND OTHER BONUSES

STATEMENT OF CONSIDERATIONS

In adopting General Salary Stabilization Regulation 2 the Salary Stabilization Board recognized that the regulation did not provide for the payment of profit-sharing and other bonuses by employers who did not pay bonuses during the calendar years from 1946 to 1950. The purpose of this order is to establish a basis for the payment of bonuses by such employers.

The revision conforms references to other salary stabilization regulations and orders contained in this order to the appropriate provisions of General Stabilization Regulation 1, Amended, issued since the effective date of this order.

In the formulation of this order due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

REGULATORY PROVISIONS

Sec.

1. New bonuses.
2. Inequities created by payment of new bonuses.
3. Record-keeping requirements for new bonuses.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. New bonuses. (a) An employer who is not authorized to pay bonuses under General Salary Stabilization Regulation 2 may establish a bonus fund which (1) shall be distributed in or with respect to the current calendar or fiscal year to such employees under the jurisdiction of the Salary Stabilization Board as he may select and (2) shall not exceed in amount the sum of the following:

(i) The total produced by multiplying the number of payroll periods in a year by the amount available to the employer for increases in salary and other compensation under section 22 of General Salary Stabilization Regulation 1, Amended, in the last payroll in the calendar or fiscal year in or with respect to which the new bonuses are distributed; and

(ii) The total produced by multiplying the number of payroll periods in a year by the amount available to the employer for increases in salaries and other compensation under section 41 of General Salary Stabilization Regulation 1, Amended, in the last payroll period of the calendar or fiscal year in or with respect to which the new bonuses are distributed.

(b) To the extent that any amount available for distribution in the form of

new bonuses under this section is so used by the employer, it may not be paid to employees as compensation in any other form during any of the payroll periods used in computing such amount.

(c) For the purposes of this section "the payroll periods in a year" means:

(1) With regard to the computation made in paragraph (a) (2) (i), the payroll periods in the calendar or fiscal year in or with respect to which the new bonuses are distributed;

(2) With regard to the computations made in paragraph (a) (2) (ii), the payroll periods in the calendar or fiscal year immediately following the year in or with respect to which the new bonuses are distributed: *Provided, however,* That if the amount available in the last payroll period of the current calendar or fiscal year for the computation under paragraph (a) (2) (ii) of this section actually became available to the employer in an earlier payroll period as a result of computations then made, "the payroll periods in a year" shall begin at the time of such earlier computation.

Sec. 2. Inequities created by payment of new bonuses. Any inequities created by the payment of a bonus under this Order shall not constitute a basis for adjustments in salaries or other compensation.

Sec. 3. Record-keeping requirements for new bonuses. An employer paying bonuses authorized by this Order shall comply with the applicable record-keeping and summary statement requirements of section 101 of General Salary Stabilization Regulation 1, Amended.

NOTE: The record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Salary Stabilization Board, October 1, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization
Administrator.

[F. R. Doc. 52-11553; Filed, Oct. 23, 1952;
10:49 a. m.]

[General Salary Stabilization Regulation 2,
Amdt. 2]

GSSR 2—PROFIT-SHARING AND OTHER BONUSES

STATEMENT OF CONSIDERATIONS

Section 9 of General Salary Stabilization Regulation 2 is amended in order to conform the section to the provisions of General Salary Stabilization Regulation 1, Amended.

AMENDATORY PROVISIONS

Section 9 of General Salary Stabilization Regulation 2 is amended to read as follows:

Sec. 9. Relationship to 10 percent increase authorized under section 22 of

General Salary Stabilization Regulation 1, Amended. (a) Bonuses payable in accordance with the terms of this regulation shall not be included in the aggregate base compensation of a group of employees within the meaning of section 22 (a) (1) of General Salary Stabilization Regulation 1, Amended.

(b) To the extent that permissible increases based upon salaries and compensation (other than bonuses) authorized by section 22 of General Salary Stabilization Regulation 1, Amended, have not been exhausted, such increases may be added to the bonus fund authorized by this regulation and paid by way of bonuses.

(c) Any increases in bonuses made prior to January 26, 1951, or authorized by this regulation (other than an increase provided for in paragraph (b) of this section 9) need not be taken into account in determining increases in salary or other compensation permitted under section 22 of General Salary Stabilization Regulation 1, Amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, October 2, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization
Administrator.

[F. R. Doc. 52-11554; Filed, Oct. 23, 1952;
10:49 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, Amendment 2 of October 23, 1952]

M-1—IRON AND STEEL

LEAD TIME CHANGE

This amendment to NPA Order M-1 as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been impracticable because of the need for immediate action.

NPA Order M-1 as amended July 3, 1952, and as further amended by Amendment 1 of August 1, 1952, is hereby amended in the following respect:

A footnote numbered 18, applicable to the word "Alloy" appearing in the heading of column B (4) of Table I to NPA Order M-1, is added and reads as follows:

"For orders calling for delivery on or after April 1, 1953, for clad products, add 45 days to lead time indicated.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect October 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-11557; Filed, Oct. 23, 1952;
11:14 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

COPIES OF RECORDS AND PAPERS

In § 1.526, paragraph (c) is amended to read as follows:

§ 1.526 *Copies of records and papers.* * * *

(c) Where only one or a relatively few copies of papers from a claimant's file are desired by the veteran or a dependent, for use in securing one of the governmental benefits or in connection with a claim for commercial insurance, the workmen's compensation, or similar benefit, the necessary copies will be supplied without charge. In case of evident abuse of this service to veterans or lack of demonstrated need on the part of the applicant, the manager or staff member in central office having jurisdiction in the matter is authorized to refuse the request for free copies.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended, Vet. Reg. 11, as amended; 38 U. S. C. 456, ch. 12 note)

This regulation effective October 24, 1952.

[SEAL]

H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-11480; Filed, Oct. 23, 1952;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 995]

[Docket No. AO-197-A1]

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Lima, Ohio, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Lima, Ohio on June 23-24, 1952, pursuant to notice thereof which was issued on June 5, 1952 (17 F. R. 5195).

The material issues of record were concerned with the following:

(1) Increasing the level of the Class I price premiums, providing a separate classification and lower price for cream utilized for fluid consumption, and substituting a cheese price formula for the butter-cheese formula as one of the three alternative methods of determining the basic formula price;

(2) Enlarging the marketing area to include all of Allen County, Ohio;

(3) Altering the definition of Class I milk to designate specifically the products covered instead of depending upon

the requirements of local health authorities;

(4) Providing that other source milk be allocated on a pro rata basis with producer milk under certain conditions;

(5) Determining the producer butter-fat differential on the basis of a fixed ratio of the market price for butter; and

(6) Increasing the rate of assessment for marketing services performed by the market administrator.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) **Pricing provisions.** The Class I price differentials should be increased by an annual average of 17.5 cents per hundredweight, cream should continue to be classified as Class I, and a cheese formula should be substituted for the butter-cheese formula as one of the three alternative bases for determining the basic formula price.

Producers proposed that the Class I price in Lima for any given month be set at the higher of two alternatives, one being the Class I price under the Cleveland order less the handler location differential from Lima to Cleveland and

the second being the arithmetical average of the Class I prices provided by the Toledo and Dayton-Springfield orders. This proposal was based upon the close competition for milk supplies between Lima and the other three markets. Cleveland shippers are located throughout the same territory as those supplying Lima, and a Cleveland handler maintains a country station in Lima from which some milk is bottled and distributed locally and the greater portion is shipped bulk to Cleveland. The Lima milkshed overlaps with those of Toledo to the north and Dayton-Springfield to the south. Producers considered it necessary that Class I prices under the Lima order be at least equal to Cleveland order prices at all times, and to the average of the competing markets to the north or south whenever such average was higher than the net Cleveland price.

Handlers opposed this method of pricing and proposed instead that increases in the Class I differential averaging 9½ cents annually would be sufficient to restore order prices to competitive levels. They testified that the producer proposal would fail to result in blend prices equal to those in the competing markets even though Class I prices would be the same. Such differences would result from variations in the classification and utilization of milk in the various markets. They also felt that abnormal conditions in any one of the three competitive markets would affect Lima prices even though the abnormal condition might not extend to the Lima supply and distribution territories.

It is apparent that the need for raising the level of Class I prices in Lima originated in price actions taken in the competing markets in the fall of 1951. Effective October 1, 1951, the Dayton-Springfield order was amended to provide for a supply-demand adjustment and, of more immediate effect, for an emergency increase of 35 cents per hundred pounds through February, 1952 to help offset drought conditions. A supply-demand adjustment became effective in Toledo at the same time. It resulted in a 14-cent increase in October and 50-cent increases each month from November through February. These price increases in Toledo and Dayton-Springfield coincided with an aggressive policy on the part of Cleveland handlers to obtain increased supplies of milk for that market. They paid sufficient premiums in the Lima, Toledo, and Dayton-Springfield areas to meet the local competition. The Lima handlers also found it necessary to pay premiums in order to maintain their regular supplies of milk. Although there is considerable intermarket competition for milk, it was not shown at the hearing that marketing conditions in Lima are so subsidiary to those in one or a combination of the competing markets as to require identical pricing. The emergency period in Dayton-Springfield terminated at the end of February and the amount of the supply-demand adjustment has steadily declined as the supply-demand ratio has returned to more normal levels. The supply-demand ratio in Toledo improved somewhat during the summer months, with a corre-

sponding decrease in the amount of the price adjustment.

In the circumstances it appears that maintaining the Class I differential at 85 cents per hundredweight during April, May, and June and increasing them to \$1.15 during February, March, July, and August and to \$1.45 during September through January will best serve the needs of this market. The proposed Class I differentials average \$1.20 per hundredweight. This is equal to the differential for Grade A milk under the Dayton-Springfield order and somewhat below the differentials, inclusive of the supply-demand adjustments, which have prevailed in Toledo since October 1, 1951.

The proposals by handlers and producers that skim milk and butterfat utilized in the form of fluid cream and specified cream products be classified separately and priced at a definite rate per hundredweight below the Class I price were abandoned by both parties at the hearing.

The present butter-cheese formula was designed some years ago to measure the value of milk for all manufacturing purposes rather than the value of milk used for making cheese. Also it reflects a much higher proportion of butter relative to cheese than is currently being produced, and the prices developed by the formula are usually considerably below the other basic formula prices.

The cheese price formula presented for consideration at the hearing was developed after a study of the relationship between butter and cheese prices and prices paid for 3.5 percent milk by Wisconsin cheese factories. This study indicated that during the years 1948 through 1951 prices resulting from this formula were within 6 cents per hundred pounds of the monthly average prices actually paid for 3.5 milk at the cheese factories in over 80 percent of the cases, and 16 cents was the maximum difference.

To determine the value per hundred pounds of 3.5 milk the average price per pound of cheddar cheese, as reported in the Wisconsin primary markets, is multiplied by 8.53, the price per pound of 92-score creamery butter at Chicago is multiplied by 0.902, and 34.3 cents is subtracted from the sum of these products.

(2) *Marketing area.* No change should be made in the marketing area.

Handlers proposed that the present marketing area which includes only the city of Lima be extended to include all of Allen County. They testified that the city and county health authorities were to be combined for the purpose of milk inspection and regulation. The same requirements would be extended throughout the county as are presently in effect for Lima. It was their position that once such uniformity was achieved the pricing and other provisions of the order would be equally applicable throughout Allen County.

At the time of the hearing the proposed consolidation had not been effectuated. However, the hearing examiner specified that official notice could be taken of a Grade A ordinance for the county if as and when such ordinance was passed. The matter was not men-

tioned in any of the briefs submitted, so apparently no action had been taken by July 12. Since milk of less than Grade A standards can be sold in Allen County outside the city of Lima the pricing provisions of the order are not directly applicable and the proposal must be denied.

(3) *Classification.* The uses of milk which constitute Class I utilization should be specifically designated in the order.

At present certain uses are specifically designated, but the order also classifies as Class I any skim milk and butterfat disposed of as "any other milk product defined by the Lima, Ohio Board of Health".

Health Department requirements are an important consideration in the production and marketing, and hence in the classification and pricing, of milk but are not the sole determinant. The classification of milk should be established and altered only upon formal consideration of all aspects of the problem.

(4) *Allocation of milk.* The provisions relating to the allocation of milk from producers and from other sources to the classified utilization of milk by handlers should not be changed.

The order now provides that other source milk be allocated to Class I only after producer milk, exclusive of shrinkage, has been so allocated. One of the handlers proposed that a quantity of other source milk not to exceed 15 percent of the handler's total Class I utilization or the quantity received in bottled form and disposed of as Class I without further processing or packaging be allocated on a pro rata basis with producer milk. This proposal was designed to meet a problem arising from this handler's sales of milk in 2-quart paper containers. The proponent took the position that the proposed amendment was the most satisfactory means of dealing with the problem although certain alternative solutions were advanced.

It was brought out that the proposed allocation would constitute an incentive for all handlers in the market to displace producer milk with milk from other sources up to the specified limit. Since alternatives are available to the proponent without involving the possibility of such far-reaching changes in the market structure, this proposal should be denied.

(5) *Producer butterfat differential.* The producer butterfat differential should be computed by multiplying the price of 92-score butter at Chicago by 0.13.

The order now provides that the butterfat differential to producers be equal to the weighted average of the handler butterfat differentials on Class I and Class II sales of producer milk. This provision gives each individual producer a pro rata share of the butterfat differentials charged to handlers. However, it should be noted that the entire sales proceeds from the milk sold to handlers is pooled for redistribution for producers. Such redistribution should be related to the supply and demand for the butterfat and skim milk components. In this regard the comparatively high butterfat differential to handlers on Class I milk

and the large proportion of Class I sales in this market yield especially high producer butterfat differentials. There has been a steady increase in the average butterfat test of milk received from producers and it is clear that the high butterfat differentials must have contributed substantially to this trend. In addition, the average test of milk received from producers has exceeded the average test of the Class I sales of producer milk in every month since August 1950 and by increasing margins.

It is concluded, therefore, that there is no continued need for such high butterfat differentials to producers as have prevailed heretofore. At the price levels prevailing in 1951 the proposed differentials would have ranged from a low of 8.0 cents in the summer months to a high of 9.4 cents in December as compared with order differentials ranging from 9.4 cents in June to 11.4 cents in December.

(6) *Marketing services.* To defray the cost of performing marketing services for producers who are not members of a cooperative association determined to be performing such services, the rate of deduction from payments to producers should be increased to 6 cents per hundredweight.

The deduction for marketing services has remained at 4 cents per hundredweight since the inception of the order. This amount has proved insufficient to cover the costs of the necessary services and should be increased. Testimony based on experience under other Federal orders showed that comparatively low rates were charged for those services performed on a contract basis in Lima.

Reissuance of order, as amended. The entire order should be recodified in accordance with Revised Regulations of the Division of the Federal Register issued October 12, 1948.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the

hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following order, as amended, is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima, Ohio, Board of Health for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes

of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any cooperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

- (a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

PROPOSED RULE MAKING

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.73, 995.76, 995.77, 995.78, or 995.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid

form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided*, That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(d) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk for the month as provided in this section shall be the highest of the prices determined pursuant to paragraphs (a), (b), and (c) of this section:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 0.902 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; and

(2) Add 8.53 times the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("Cheddars", f. o. b. Wisconsin assembling points, cars

or truckloads) as reported by the U. S. D. A. during the month; and

(3) Subtract 34.3 cents.

(c) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter computed pursuant to paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process non-fat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for each month by the U. S. D. A., deduct 5.5 cents, and multiply the result by 8.2.

§ 995.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) To the basic formula price add the following amounts for the months indicated:

April, May, June.....	\$0.85
July, August, February, March.....	1.15
All others.....	1.45

(b) Add together the amounts determined in § 995.50 (c) (1) and (2), divide the sum into the amount determined in § 995.50 (c) (1) and multiply by 100.

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator as follows:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in § 995.51 (b), and then divide by .035. The resulting amount shall be Class II butterfat price per hundredweight.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

DETERMINATION OF UNIFORM PRICE

§ 995.60 *Value of producer milk.* Except as provided in § 995.80 the value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided*, That, if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 995.45 (d) and § 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight of producer milk by:

(a) Combining into one total the values computed pursuant to §§ 995.60 and 995.80 for all handlers who reported pursuant to § 995.30 for such month, except those in default in payments required pursuant to §§ 995.73 and 995.80 for the preceding month;

(b) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(c) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and

(f) Subtracting not less than 4 cents nor more than 5 cents.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75;

(c) The amount to be paid by such handler to the producer-settlement fund pursuant to § 995.73 or § 995.80, or the amount due such handler from the producer-settlement fund pursuant to § 995.74, as the case may be; and

(d) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payment.* On or before the last day of each month, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for the preceding month for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer during such month shall be made on the 18th day after the end of such month pursuant to § 995.70.

§ 995.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 995.73 and 995.80, and out of which he shall make all payments to handlers pursuant to § 995.74.

§ 995.73 *Equalization payments to the producer-settlement fund.* On or before the 14th day after the end of each month each handler shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to § 995.70.

§ 995.74 *Equalization payments out of the producer-settlement fund.* On or before the 16th day after the end of each

month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler pursuant to § 995.70 is greater than the total value of the milk of such handler for such month, less any unpaid obligations of the handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided*, That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deduc-

tions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 995.70 as may be authorized by the membership agreement or contract between such cooperative association and such producers, and shall pay such deductions on or before the 18th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.73, 995.74, 995.76, 995.77, or 995.80, or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to special payments.* (a) Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this section, except that for any month for which the Class I milk price determined pursuant to § 995.51 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 14th day after the end of each month, with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 995.51 (c) and (d) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in § 995.51 (b), (c), and (d) to the highest Class I milk price provided by such other order.

(b) Any handler who receives only other source milk, which milk is not subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act, shall pay into the producer-settlement fund on or before the 14th day after the end of each month a sum computed by the market administrator by multiplying the hundredweight of all skim milk and butterfat disposed of by such handler within the marketing area as any item included in Class I milk during such month by the respective differences between the prices for skim milk and butterfat in Class I milk and Class II milk for such month.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk re-

ferred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a

fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension or the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 17th day of October 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-11498; Filed, Oct. 23, 1952;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 3, 4a, 4b, 5, 6, 13,
14, 40, 41, 42, 61]

1952 ANNUAL REVIEW OF AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations and the issuance of a Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention, Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by November 24, 1952. Copies of such communications will be available after November 27, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations as set forth below stem from the studies conducted during the Board's 1952 annual airworthiness review and particularly from the discussions which took place at the annual meetings held in Washington August 4 through 14. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations. These pertain to the following parts of the Civil Air Regulations: 1, 3, 4a, 4b, 5, 6, 13, 14, 41, 42, and 61. The explanatory statements accompanying the proposed amendments explain the basis for the amendments and the reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 994; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: October 20, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Part 1

Discussions were held during the recent annual airworthiness meeting on a few subjects dealing with certification procedures. Most of these discussions indicated the desirability of amending certain of the provisions of Part 1 to make more clear the intent of the regulations. Specific proposals are contained herein.

One of the significant proposals deals with inspection procedures under the terms of a type certificate. It is proposed to add a provision which would require a manufacturer, producing products without a production certificate, to establish after six months from the date of issuance of the type certificate a production inspection system approved by the Administrator.

Another important proposal concerns quality control data to be submitted under the terms of a production certificate. It is proposed to specify in more detail the data required.

It is proposed to amend Part 1, effective January 1, 1953, as follows:

1. By amending § 1.15 (a) by adding after the word "inspections" the following clause "and, in the case of aircraft, flight tests."

2. By amending § 1.15 by changing the headnote to read *Inspections and tests* and by adding a new paragraph (d) to read as follows:

§ 1.15 *Inspections and tests.* * * *

(d) A manufacturer producing a product under the terms of a type certificate without a corresponding production certificate shall provide, for products manufactured after six months from the date of issuance of the type certificate, a production inspection system approved by the Administrator which will give assurance that each article produced is in conformity with the type design and is in a condition for safe operation.

3. By amending § 1.22 by deleting the phrase "by an authorized representative of the Administrator" and substituting in lieu thereof the phrase "in accordance with a method acceptable to the Administrator."

4. By amending § 1.32 by deleting the reference "§§ 1.33 through 1.37," and substituting in lieu thereof "§§ 1.33 through 1.36."

5. By amending § 1.36 to read as follows:

§ 1.36 *Quality control data requirements; prime manufacturer.* The applicant shall submit for approval by the Administrator, as evidence of his ability to control the quality of any product for which he requests a production certificate, data describing the inspection and test procedures necessary to insure that each article produced is in conformity with the type design and is in a condi-

tion for safe operation. The data submitted shall include such of the following as are applicable to the product involved.

(a) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components and indicating the chain of authority and responsibility within the quality control organization.

(b) A description of inspection procedures applying to raw materials, outside purchased items, subcontracted parts and assemblies, and assemblies produced by subsidiary manufacturers. The information shall include the methods used to insure acceptable quality of assemblies which cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant.

(c) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the description of the means used to control such processes, and a description of the final test procedure for the complete assembly or, in the case of aircraft, a copy of the manufacturer's production flight test procedure and check-off list.

(d) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts.

(e) An outline of a system by means of which company inspectors are kept currently informed regarding changes in engineering drawings, specifications, and quality control procedures.

(f) A list or chart showing location and type of inspection stations.

6. By amending § 1.37 to read as follows:

§ 1.37 *Information on subsidiary manufacturers.* The prime manufacturer shall make available information regarding any major inspection accomplished by a subsidiary manufacturer on parts or assemblies for which the prime manufacturer is responsible.

7. By amending § 1.38 to read as follows:

§ 1.38 *Changes in quality control system.* Subsequent to the issuance of a production certificate, any changes to the quality control system shall be subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator in writing of any such changes affecting the data prescribed in § 1.36.

8. By amending § 1.43 by changing the headnote to read *Inspections and tests* and by adding after the word "inspections" the following clause "and, in the case of aircraft, flight tests."

Part 3

There were discussed at the recent annual airworthiness meeting a number of significant items pertaining to the certification of airplanes under the provisions of Part 3. One of these items

dealt with the limitation of applicability of Part 3. A proposal was considered to limit Part 3 to airplanes of 12,500 pounds or less. A further suggestion was made that this weight be limiting only in the case of initial certification of a type, and that a further limitation of 15,000 pounds be made to account for the normal growth of the airplane after its original certification. The Bureau considers that a dual limitation to allow for the growth of the airplane's weight has little practical significance, because the higher of the two weights automatically becomes the limiting one. Thus, under the recommendation made at the meeting, the actual limitation would become 15,000 pounds. Cognizance should be taken of the fact that certain operating regulations and certain economic rules promulgated by the Board make a specific delineation between "small airplanes" and "large airplanes." This delineation is in all cases 12,500 pounds. For this reason, the Bureau considers that any value limiting the applicability of Part 3 other than 12,500 pounds would be confusing and, in fact, impractical. Therefore, the proposal contained herein makes 12,500 pounds the limiting weight for certification of airplanes under the provisions of Part 3.

A new requirement is being proposed with respect to induction system de-icing and anti-icing which experience indicates more appropriate than the present requirement.

A recommendation was made at the annual airworthiness meeting to eliminate a mandatory Airplane Flight Manual for airplanes of 6,000 pounds weight or less. The changes proposed herein reflect that recommendation and require for such airplanes that the information normally included in the Airplane Flight Manual shall be made available in the form of clearly stated placards, markings, or manuals.

Another subject discussed at the annual airworthiness meeting was that pertaining to stall warning indication. A recommendation was made to eliminate the upper limit on stall warning which is now required in the regulations, because of its impracticability in certain instances. Although this matter was given consideration subsequent to the meeting, the issues associated with the problem have not been resolved and, therefore, the Bureau does not propose a change in the regulation at this time.

In addition to the aforementioned items, there are included herein a number of miscellaneous changes which are either of minor substantive or editorial nature.

It is proposed to amend Part 3, effective January 1, 1953, as follows:

1. By amending § 3.0 by adding before the first sentence a new sentence to read as follows: "The applicability of this part shall be limited to airplanes having maximum weights of not more than 12,500 pounds."

2. By amending § 3.1 (a) (3) by adding the following reference: "(See § 3.18)."

3. By amending § 3.15 (c) to read as follows:

§ 3.15 *Inspections and tests.* * * *

(c) All manufacturing processes, con-

struction, and assembly are as specified in the type design.

4. By amending § 3.72 (b) by deleting the reference "§ 3.755-3.770" and substituting in lieu thereof the reference "§§ 3.766 and 3.777."

5. By amending § 3.242 by deleting the phrases "the ground load requirements of § 4b.241, and shock absorption requirements of § 4b.371 and its related sections, the wheel and tire requirements of §§ 4b.391 and 4b.392, and the fuel jettisoning system requirements of § 4b.536," and substituting in lieu thereof the following: "the ground load requirements of § 4b.230, the landing gear requirements of §§ 4b.331 through 4b.336, and the fuel jettisoning system requirements of § 4b.437."

6. By amending Figure 3-12 (a) by interchanging in the third column the expressions "nWb/d'" and "nWa/d'".

7. By amending § 3.301 by deleting the words "ANC-5 and ANC-18" and substituting in lieu thereof the words "ANC-5, ANC-18, and ANC-23, Part II."

8. By amending the note following § 3.301 to read as follows:

NOTE: ANC-5, "Strength of Metal Aircraft Elements," ANC-18, "Design of Wood Aircraft Structures," and ANC-23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

9. By amending § 3.606 (c) by deleting from the first sentence the phrase "embodiment features tending to reduce the possibility of ice formation" and inserting in lieu thereof the phrase "have been tested and proven to incorporate features preventing the formation of ice."

10. By amending § 3.606 (d) to read as follows:

§ 3.606 *Induction system de-icing and anti-icing provisions.* * * *

(d) Airplanes equipped with sea level engines employing carburetors which have been tested and proven to incorporate features preventing the formation of ice shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

11. By amending § 3.700 (b) by deleting the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

12. By amending § 3.700 (c) by deleting the last sentence and substituting in lieu thereof the following: "The light shall be of an approved type."

13. By amending § 3.713 to read as follows:

§ 3.713 *Flare requirements.* When parachute flares are required, they shall be of an approved type.

14. By amending § 3.715 by deleting the first sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

15. By amending § 3.716 to read as follows:

§ 3.716 *Rafts and life preservers.* Rafts and life preservers shall be of an approved type.

16. By amending § 3.750 by deleting the reference: "(See Parts 42 and 43 of this chapter.)" and substituting in lieu thereof the following: "(See the appropriate operating parts of the Civil Air Regulations.)"

17. By amending § 3.770 to read as follows:

§ 3.770 *Operating limitations placard.* A placard shall be provided in clear view of the pilot stating: "This airplane must be operated as a ----- or ----- category airplane in compliance with the operating limitations stated in the form of placards, markings, and manuals."

18. By amending § 3.777 by adding the following clause at the end of the first sentence: "having a maximum certificated weight of more than 6,000 pounds."

19. By amending § 3.777 by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 3.777 *Airplane Flight Manual.* * * *

(b) For airplanes having a maximum certificated weight of 6,000 pounds or less, the information prescribed in this part for inclusion in the Airplane Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals.

Parts 4a, 4b, 41, 42, and 61

Numerous subjects pertaining to transport category airplanes were discussed at the recent annual airworthiness meeting. Some of these subjects are now considered sufficiently resolved to warrant specific proposals for amendment to the regulations. Other subjects are considered to require further study before any proposals can be formulated.

The proposed amendments contained herein to those parts of the Civil Air Regulations which affect certification or operation of transport category airplanes reflect the discussions at the annual airworthiness meeting and include certain changes of considerable importance. They also include other substantive changes of relatively minor importance, as well as a number of editorial clarifications and corrections.

Certain of the subjects discussed at the annual airworthiness meeting which are not being reflected in any proposed changes are considered of sufficient importance to set forth reasons for the lack of action at this time.

Rearward facing seats were the subject of lengthy discussions, but it was apparent that studies now being conducted by various governmental agencies and private enterprises have not progressed far enough to reach definite conclusions as to the safety advantages of this type of seating arrangement. It is anticipated that in a year or two this matter may be re-evaluated to the point where specific amendments to the regulations can be considered. As in the case of rearward facing seats, the matter of

improved cockpit vision is being given further study, aiming toward the establishment of some specific standards.

Discussions at the annual airworthiness meeting on the subject of crash-resistant fuel tanks were not aimed at any immediate changes in the regulations. They were mainly of an informative character on the research now being conducted to develop a design of fuel tank less conducive to fire hazard. Consequently, it is premature at this time to make any proposals on this matter. Another subject on fire protection discussed at the annual meeting and which is not sufficiently resolved to warrant a change in the regulations is that of electrical circuits in fire zones. It became apparent during the discussions that the implications of the recommended change in the regulations were not clear and, therefore, that any specific proposal at this time would be premature.

An attempt was made at the annual airworthiness meeting to resolve the problem of smoke detectors in certain class baggage compartments. At the present time, the provisions of Part 4b require the installation of smoke detectors; however, Special Civil Air Regulation SR-329 has waived these provisions because of the questionable reliability of available smoke detectors. The discussions at the meeting revealed that progress is being made on new type smoke detectors; however, it became evident that insufficient experience has been achieved with the limited number of these detectors used to warrant the rescission of SR-329. For this reason, no proposal is now being included for a change in the presently effective regulations.

Requiring oil quantity indicators on all future transport category airplanes was a highly controversial subject at the annual airworthiness meeting. There was considerable evidence presented to indicate that such an instrument might offer valuable information to the pilot. On the other hand, it was pointed out that present regulations do require an oil quantity indicator when a transfer or oil reserve system is installed. It was also revealed that most operators now include an oil quantity indicator on their airplanes. There was evident support for considering a low-level oil indicator as being an equally useful instrument. In view of the controversial nature of the recommendation and because it would apply only to new type airplanes and therefore would not now affect safety of operations, the Bureau is hesitant in making any specific proposal at this time. Furthermore, the Bureau feels that the multitude of controls and instruments now used in transport category airplanes, in itself, is not conducive to safety and that extreme care should be taken in requiring additional instruments unless such instruments are definitely shown to be necessary for safety.

Discussions were held at the annual airworthiness meeting regarding the relation between the maximum take-off weight and the maximum landing weight which is contingent on the facilities to jettison fuel from the maximum take-

off weight to the maximum landing weight. Some question was raised as to the intent of the pertinent regulation, and it was suggested that the regulations should require jettisoning of fuel from the maximum take-off weight only to 105 percent of the landing weight. The present regulation as interpreted by the Administrator of Civil Aeronautics requires jettisoning of fuel from the maximum take-off weight to the maximum landing weight for all altitudes. It was further pointed out that the proposal would result in substantial weight increases in the certificated weights of certain type airplanes. The Bureau considers that the Administrator's interpretation of the regulation is in accord with the intent and for that reason finds no justification in proposing any amendment to the regulation along the lines recommended at the meeting. Instead, a study will be made of the language of the pertinent requirement with the aim of making the intent more clear if necessary.

There were discussions at the annual airworthiness meeting on subjects related to the presently effective performance and flight requirements. The main objective of these discussions was to ascertain whether any changes in the regulations are desirable at this time. One of the more important subjects on which the Bureau does not propose any action was that of automatic power indication. The issue in this instance was to recognize the increased safety stemming from the use of automatic power indicating devices and to establish in the regulations appropriate performance allowances. The difficulty in resolving this problem was that no specific installations are available for study, and it was generally agreed that until such an installation were available no specific proposal for amendment of the regulations could be made.

A performance problem discussed in detail at the annual airworthiness meeting was that of drift-down. The term drift-down, as commonly used, refers to en route operating conditions wherein the airplane with one engine inoperative does not necessarily have the capability of climbing at a prescribed minimum rate of climb over the highest terrain but has sufficient performance to clear that terrain by a safe margin by reason of a required higher operating altitude. The present regulations require all transport category airplanes to have a specific minimum rate of climb en route with one engine inoperative 1,000 feet above the highest terrain along the flight path. Recommendations have been made to amend the regulations to permit a drift-down procedure in certain instances. The Board very recently has had the opportunity of evaluating the problem of drift-down and considers that there exists some question as to the appropriateness of applying drift-down procedures to airplanes operated in accordance with the presently effective transport category rules. Because of this, no proposal for drift-down is being made by the Bureau at this time.

Another subject dealing with flight characteristics which is not considered sufficiently resolved for the present is

that of demonstrated crosswind. It was made evident at the annual airworthiness meeting that there would be certain operational advantages if airplanes were capable of taking off and landing in crosswinds higher than those now required by the regulations. A proposal was made to amend the regulations to require demonstration of take-offs and landings in 30-mile per hour crosswinds instead of the lesser values now prescribed. It was pointed out that the 30-mile per hour crosswind would be measured near the surface of the runway and, therefore, that it would correspond with approximately a 45-mile per hour wind as measured in weather observations. A question was raised as to the reasonableness and practicability of crosswind demonstrations in such a high wind. Since the proposal made at the meeting would be applicable only to new type airplanes, the Bureau considers that further study of this problem is advisable before any changes are made in the regulation.

The following outstanding subjects discussed at the annual airworthiness meeting are considered sufficiently resolved to warrant specific proposals for changes in the regulations, and such proposals are contained herein.

An important amendment is being proposed to the regulations regarding structural reserve fuel. The present rules require that the airplane be designed to withstand structural loads with zero fuel in the wings or, if some fuel is assumed, that such fuel be considered unusable, in which case it would have to be carried in the airplane at all times. It was suggested at the annual airworthiness meeting that this requirement introduces unreasonable conservatism because of the improbability of flight at or near zero fuel conditions. A specific proposal was made which would permit the manufacturer to assume a certain amount of fuel in the wings for the structural analysis of the airplane, provided that this amount did not exceed the reserve fuels required by the operating rules. The Bureau agrees that there are conservative aspects in the presently effective requirements. However, the implications of a requirement such as was recommended at the meeting are not generally predictable, and on some airplanes, particularly with certain fuel distributions along the wing span, the static and fatigue strength of the airplane may be appreciably decreased. The reduced safety would be most obvious on very high-speed airplanes where the ratio of reserve fuel to total fuel is relatively large and on airplanes where the fuel is carried in the outboard portions of the wing. It is proposed herein to permit more reasonable assumptions regarding fuel load provisions in those cases where it is shown that the structural strength of the airplane with zero fuel is not seriously reduced below that prescribed, where the probability of disastrous fatigue failure is not increased, and where the flutter, deformation, and vibration characteristics of the airplane are unaffected (see proposed amendments to §§ 4b.1 (c), 4b.210 (c), 4b.719, and 4b.741 (c)).

Another change is being proposed to the structural requirements. It consists of the addition of a new level landing condition to account for spring-back loads (see proposed amendment to § 4b.231).

Among proposed changes dealing with general design of transport category airplanes are those covering the certification of the airplane for ditching. The presently effective requirements are being clarified and expanded to cover detail provisions for the type of ditching equipment to be carried and the installation provisions for such equipment (see proposed amendments to §§ 4b.261, 4b.361, 4b.645, and 4b.646). There are also proposed changes pertaining to cockpit standardization. These changes reflect the standards agreed upon between the Munitions Board and the Society of Automotive Engineers and cover mainly the basic flight instrument panel arrangement and the location, movement, etc., of cockpit controls (see proposed amendments to §§ 4b.353 (c), (e), and (f), 4b.471 (c), 4b.473 (c), 4b.474 (a) (3), 4b.476a, 4b.611 (b), and Fig. 4b-16, Fig. 4b-17, and Fig. 4b-23). In addition, a provision is being proposed to assure that the ventilating air from passenger compartments is not circulated into the flight crew compartment (see proposed amendments to §§ 4b.371 (a) and (e)).

Certain additional powerplant fire protection rules are being proposed in order to reduce the consequences of powerplant fires which experience indicates can be encountered. These would require on all new type airplanes fire-extinguishing systems in Zone 1 and fireproof nacelle skin in Zone 3. Furthermore, the proposal would require that all airplanes manufactured after October 1, 1953, have either the Zone 1 extinguishing systems or the Zone 3 fireproof nacelle skin (see proposed amendments to §§ 4b.484 (a) (1) and 4b.487). In addition, it is proposed to make applicable to all airplanes manufactured after October 1, 1953, the provision which requires fire-resistant lines in propeller feathering systems (see proposed amendment to § 4b.401 (c)).

The present regulations require take-off cooling tests only if the time for which take-off power is used exceeds two minutes. It is now proposed that on new type airplanes take-off cooling tests be conducted regardless of the time during which take-off power is used. It is considered that such tests will diminish the possibility of dangerous engine temperature conditions with the use of take-off power during take-off (see proposed amendment to § 4b.453).

The proposed amendments include a requirement intended to prevent the overfilling of tanks during fuel transfer operations in flight. The proposal consists of requiring either an automatic fuel shutoff or a warning device (see proposed amendment to § 4b.418).

Changes are proposed to certain required equipment. The present regulations require a power indicating device (torquemeter) on airplanes equipped with automatic feathering systems. It is now proposed that power indicating devices also be required for all engines

of 2,000 cubic inch displacement or more (see proposed amendment to § 4b.604 (m)). It is also proposed to require a device to indicate when the propeller is in the reverse position. This latter proposal is being made because of the extremely serious consequences which may result from a propeller reversing in the air. Recent experience indicates that a propeller reverse thrust warning device would be of considerable value to the crew in an emergency. The Bureau as a rule believes that dependability of all equipment on the airplane should be such as not to require additional safety provisions such as warning devices. In this instance, however, compliance with the proposed rule would be relatively easy of accomplishment and would contribute materially to safety (see proposed amendment to § 4b.604 (n)).

Changes are proposed to the provisions for protective breathing equipment. These changes, however, are not of a substantive nature, but are deemed necessary for purposes of clarification (see proposed amendment to § 4b.651 (h)).

As a result of studies and discussions at the annual airworthiness meeting, the Bureau considers it appropriate to propose certain amendments to the regulations with respect to position and anti-collision lights. The proposals contained herein include a change in the specification for the flashing frequency of position lights. At present the regulations prescribe a frequency of between 36 and 60 cycles per minute, but since the promulgation of this rule studies have indicated that the optimum frequency for conspicuity is approximately 75 cycles per minute. For this reason, it is proposed that the regulations be changed to prescribe frequencies between 65 and 85 cycles per minute. It is also proposed to include in the regulations a broad standard for anti-collision lights if such are used. During the past year or so considerable research was conducted toward improvement of conspicuity of aircraft at night, and a number of operators have reached the conclusion that the most practical way of increasing conspicuity is to install anti-collision lights. The research conducted on position and navigation lights was on a limited number of airplanes under the provisions of Special Civil Air Regulation SR-361. The Bureau believes that the use of anti-collision lights should be encouraged and that operators should be allowed to make these installations fleetwise. However, in order that installations which depart radically from those now considered by the operators are not installed indiscriminately fleetwise, a broad standard of design should be established. The proposed standard covers in almost every respect the types of anti-collision lights now considered by the operators. The one exception may be the requirement limiting the anti-collision lights to the use of a red light. It is believed that the red light has been proven to be most effective and distinctive. In order that research can continue toward the further development of navigation light conspicuity, a new Special Civil Air Regulation is being proposed to supersede SR-361 which expires December 31, 1952.

The proposed new Special Civil Air Regulation will permit experimentation on a limited number of airplanes and is being worded in such broad terms as not to restrict the scope of such experimentation (see proposed amendments to §§ 4b.632 (f) and 4b.637 and proposed Special Civil Air Regulation).

During the annual airworthiness meeting a recommendation was made to require the calibration of air-speed indicating systems for ground effect in take-off. The Bureau considers such a recommendation appropriate and, therefore, includes herein a specific proposal for amendment of the regulations (see proposed amendment to § 4b.612 (a) (2)).

The discussions at the annual airworthiness meeting included certain performance subjects aimed at revisions to the presently effective requirements. One of these was a matter of clarifying the intent of the two-engine-out en route performance operating limitation. The Bureau, cognizant of the different interpretations placed on this requirement, considers it advisable to rewrite this particular rule. It is proposed that the rewrite make clear that in all cases the point of failure of the second engine is assumed to be 90 minutes after take-off. This is the most liberal of the possible interpretations, and it is one which has most generally received acceptance. The Bureau considers, however, that the proposal should not prejudice any further study of this requirement if it is found that the liberal interpretation does not provide the necessary level of safety (see proposed amendments to § 41.30 (c), § 42.75 and § 61.221 (proposed § 40.58)).

The subject of temperature and humidity has been under discussion for a number of years. The presently effective regulations contain certain provisions to account for these two atmospheric factors. Temperature is being applied operationally on all transport category airplanes to the take-off run, i. e., up to the 50-foot point. On the other hand, the regulations take into account humidity only in the certification of new type airplanes and require that the certificated weights be based upon 80 percent relative humidity. As a result, most of the presently operated airplanes are not required to account for humidity. It has been recommended on numerous occasions during the past few years that humidity accountability be applied operationally to the complete take-off regime and that temperature accountability be extended to the obstacle clearance portion of the take-off. It appears that this latter part of the take-off is now most critical from the standpoint of temperature and humidity effects. Records do not indicate any accidents which could be definitely attributed to the lack of a more rational approach to temperature and humidity accountability in the regulations. However, there have been instances of marginal take-off performance of the airplane because of the high existing temperature and/or humidity conditions. This problem has not been heretofore resolved because of the lack of specific proposals for more rational temperature and humidity accountability. How-

ever, notwithstanding the lack of any specific accidents, experience of pilots tends predominantly to reveal marginal safety of transport category airplanes in high temperature and humidity conditions. For these reasons, a specific proposal is being included for the purpose of obtaining complete comments on this subject. It is considered that the problem of temperature and humidity accountability can be more readily resolved by the Board if the Board has available fully documented comments of all interested parties.

The proposal for temperature and humidity contained herein is based upon a CAA proposal submitted during the 1951 annual airworthiness review, with the exception that it is proposed to regard humidity as an independent factor unrelated to temperature. Specifically, the proposal would extend the presently effective temperature corrections to the take-off flight path beyond the end of the runway and would require humidity corrections similar to those made for temperature. Simultaneously, it is proposed to eliminate the regulation which requires certification of new type airplanes under conditions of 80 percent relative humidity and thus would permit such certification to be based on dry air. The effects of considering humidity operationally rather than in conjunction with certification of airplanes would be that new type airplanes which previously were certificated on the basis of 80 percent relative humidity might be permitted higher certificated weights, but that the use of these higher weights would be restricted operationally by the requirements for humidity accountability. Furthermore, older type airplanes which were not certificated under conditions of 80 percent relative humidity would now be subject to operational humidity accountability (see proposed amendments to §§ 4b.110 (a), 4b.117, 4a.749a-T, 41.28 (d), 42.70 (c), and 61.214 (d) (proposed § 40.53 (c)).

a. It is proposed to amend Part 4b, effective January 1, 1953, as follows:

1. By amending § 4b.1 (a) (3) by adding the following reference: "(See § 4b.18)."

2. By amending § 4b.1 (c) by adding a new subparagraph (9) to read as follows:

§ 4b.1 Definitions. * * *

(c) Weights. * * *

(9) *Structural reserve fuel.* Structural reserve fuel refers to one or more fuel loading conditions, i. e., quantity and location of fuel, selected by the applicant in lieu of a zero fuel condition for the purpose of showing compliance with structural requirements. (See §§ 4b.103, 4b.210 (c), and 4b.741 (c).)

3. By amending § 4b.1 (f) (5) (i) by deleting the word "or" and substituting in lieu thereof the word "and".

4. By amending § 4b.15 (c) to read as follows:

§ 4b.15 Inspections and tests. * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

5. By amending § 4b.110 (a) to read as follows:

§ 4b.110 *General*. (a) The performance prescribed in this subpart shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air (see § 4b.1 (b) (1)).

6. By amending § 4b.117 to read as follows:

§ 4b.117 *Temperature and humidity accountability*. Operating correction factors for take-off weight, take-off distance, and take-off flight path shall be determined to account for temperatures above and below standard and for humidities above zero, and when approved by the Administrator they shall be included in the Airplane Flight Manual. These factors shall be obtained as follows:

(a) For any specific airplane type, the average full temperature and humidity accountability shall be computed for the range of weights of the airplane, altitudes above sea level, and ambient temperatures and humidities required by the expected operating conditions. Account shall be taken of the temperature and humidity effects on the engine power and of temperature effect on the aerodynamic characteristics of the airplane. The full accountability for temperature and humidity shall be expressed per degree of temperature and per unit of vapor pressure, respectively, in terms of a weight correction, a take-off distance correction, a take-off climb gradient correction, and a change, if any, in the critical-engine-failure speed V_c .

(b) The operating correction factors for the airplane weight, take-off distance, and take-off climb gradient shall be at least one-half of the full accountability values. The value of V_c shall be further corrected by the average amount necessary to assure that the airplane can stop within the runway length at the ambient temperature and humidity, except that the corrected value of V_c shall not be less than a minimum at which the airplane can be controlled with the critical engine inoperative.

7. By amending § 4b.210 by deleting from the first sentence the words "for which certification is desired" and substituting in lieu thereof the words "selected by the applicant."

8. By amending § 4b.210 by adding a new paragraph (c) to read as follows:

§ 4b.210 *General*. * * *

(c) *Fuel loads and distribution*. The disposable load combinations shall include all fuel loads in the range from zero fuel to the maximum fuel load selected by the applicant, except that it shall be permissible for the applicant to select one or more practicable structural reserve fuel conditions in lieu of the zero fuel condition for showing compliance with the structural flight load requirements, if the Administrator finds that the design complies with the following provisions which are intended to account for those exceptional operating condi-

tions when structural reserve fuel is consumed. (See § 4b.741 (c).)

(1) The structural strength with zero fuel is not seriously reduced below that prescribed in the flight load conditions.

(2) The probability of disastrous fatigue failure is not increased (see 4b.306 (d)).

(3) The flutter, deformation, and vibration requirements are met with zero fuel (see § 4b.308).

9. By amending the title of Figure 4b-2 to read as follows: "Maneuvering envelope".

10. By amending the title of Figure 4b-3 to read as follows: "Gust envelope".

11. By amending § 4b.231 (a) by adding a new subparagraph (3) to read as follows:

§ 4b.231 *Level landing conditions—*
(a) *General*. * * *

(3) *Condition of maximum spring-back load*. Forward-acting horizontal loads resulting from a rapid reduction of the spin-up drag loads shall be combined with the vertical ground reactions at the instant of the peak forward load. It shall be acceptable to apply this condition only to the landing gear and the directly affected structure.

12. By amending § 4b.231 (b) by deleting the words "paragraphs (a) (1) and (a) (2)" and substituting in lieu thereof the words "paragraph (a)".

13. By amending § 4b.231 (c) (1) by deleting the second sentence and substituting in lieu thereof the following: "The conditions specified in paragraph (a) of this section shall be investigated."

14. By amending § 4b.231 (c) (2) by deleting the last sentence and substituting in lieu thereof the following: "The conditions specified in paragraph (a) of this section shall be investigated, except that in conditions (a) (1) and (a) (3) it shall be acceptable to investigate the nose and main gear separately neglecting the pitching moments due to wheel spin-up and spring-back loads, while in condition (a) (2) the pitching moment shall be assumed to be resisted by the nose gear."

15. By amending § 4b.261 to read as follows:

§ 4b.261 *Structural ditching provisions*. (For structural strength considerations of ditching provisions see § 4b.361 (c).)

16. By amending § 4b.306 (c) to read as follows:

§ 4b.306 *Material strength properties and design values*. * * *

(c) ANC-5, ANC-18, and ANC-23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC-5, "Strength of Metal Aircraft Elements," ANC-18, "Design of Wood Aircraft Structures," and ANC-23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

17. By amending § 4b.353 (c) by adding the following phrase at the end of the first sentence: "with the seat belt fastened."

18. By amending § 4b.353 (e) to read as follows:

§ 4b.353 *Controls*. * * *

(e) The wing flap (or auxiliary lift device) and landing gear controls shall be located on the top of the pedestal and shall comply with the following:

(1) The wing flap control shall be located aft of the throttle(s), centrally or to the right of the pedestal centerline and shall be not less than 10 inches aft of the landing gear control.

(2) The landing gear control shall be located to the left of the pedestal centerline.

19. By amending § 4b.353 (f) to read as follows:

(f) The control knobs shall be shaped in accordance with Figure 4b-22, and such knobs shall be of the same color, but of a color in contrast with that of not only the other control knobs but also the surrounding cockpit.

20. By amending Figure 4b-16 by changing the movement and actuation for flaps (or auxiliary lift devices) to read as follows: "Forward for flaps up; rearward for flaps down."

21. By amending Figure 4b-17 by changing the movement and actuation for mixture controls to read as follows: "Forward or upward for rich".

22. By amending figure 4b-17 by changing the movement and actuation for carburetor air heat to read as follows: "Forward or upward for cold."

23. By amending figure 4b-17 by adding to the movement and actuation for supercharger controls the following sentence: "In the case of turbosuperchargers, forward, upward, or clockwise to increase pressure."

24. By amending § 4b.358 (b) (1) (II) by deleting the phrase "in the fore-n-aft direction."

25. By amending § 4b.361 to read as follows:

§ 4b.361 *Ditching*. Compliance with this section is optional. The requirements of this section are intended to safeguard the occupants in the event of an emergency landing during overwater flight. When compliance is shown with the provisions of paragraphs (a) through (c) of this section and with the provisions of §§ 4b.362 (d), 4b.645, and 4b.646, the type certificate shall include certification to that effect. When an airplane is certificated to include ditching provisions, the recommended ditching procedures established on the basis of these requirements shall be set forth in the Airplane Flight Manual (see § 4b.742 (d)).

(a) All practicable design measures compatible with the general characteristics of the type airplane shall be taken to minimize the chance of any behavior of the airplane in an emergency landing

on water which would be likely to cause immediate injury to the occupants or to make it impossible for them to escape from the airplane. The probable behavior of the airplane in a water landing shall be investigated by model tests or by comparison with airplanes of similar configuration for which the ditching characteristics are known. In this investigation account shall be taken of scoops, flaps, projections, and all other factors likely to affect the hydrodynamic characteristics of the actual airplane.

(b) It shall be shown that under reasonably probable water conditions the flotation time and trim of the airplane will permit all occupants to leave the airplane and to occupy the life rafts required by § 4b.645. In showing compliance with this provision, it shall be acceptable to use buoyancy and trim computations in which appropriate allowances are made for probable structural damage and leakage.

(c) External doors and windows shall be designed to withstand the probable maximum local pressures, unless the effects of the collapse of such parts are taken into account in the investigation of the probable behavior of the airplane in a water landing as prescribed in paragraphs (a) and (b) of this section.

26. By amending § 4b.371 (a) by adding the following second sentence: "Air from passenger compartments shall not be recirculated into the crew compartments."

27. By amending § 4b.371 by adding a new paragraph (e) to read as follows:

§ 4b.371 *Ventilation.* * * *

(e) The control of ventilating air and temperature in crew compartments shall be independent of similar controls in passenger compartments.

28. By amending § 4b.383 by adding at the end of paragraphs (a) and (b) (1) the following reference: "(See § 4b.380 (c) for protective breathing requirements.)"

29. By amending that portion of the text of § 4b.383 (c) preceding subparagraph (1) by deleting from the first sentence the word "categories" and substituting in lieu thereof the word "classifications".

30. By amending § 4b.386 (a) by deleting the reference "§§ 4b.480 through 4b.490" and substituting in lieu thereof the reference "§§ 4b.480 through 4b.486 and § 4b.489."

31. By amending § 4b.401 (c) by adding in the last sentence after the words "the feathering lines" the phrase "on all airplanes manufactured after October 1, 1953."

32. By amending § 4b.418 by adding the following:

§ 4b.418 *Flow between interconnected tanks.* * * * If it is possible to pump fuel from one tank to another in

flight, the following provisions shall be made to safeguard against structural damage to tanks or overflow of fuel in flight.

(a) There shall be provided either a visual or aural warning device to warn the crew that overfilling is imminent, or an automatic means to shut off fuel transfer before damage or overflow occurs.

(b) If a warning device is used without an automatic shutoff means, such device shall be in addition to the normal fuel tank quantity gauge, and the design of the fuel tank vents and the fuel transfer system shall be such that structural damage to tanks will not occur in the event of overfilling.

33. By amending that portion of the text of § 4b.453 preceding paragraph (a) by deleting the first sentence and inserting in lieu thereof the following: "A take-off cooling test shall be conducted to demonstrate cooling during take-off and during subsequent climb with one engine inoperative."

34. By amending § 4b.471 (c) to read as follows:

§ 4b.471 *Throttle and A. D. I. system controls.* * * *

(c) If an antidetonant injection system is provided, the flow of A. D. I. shall be automatically controlled in relation to the amount of power produced by the engine. In addition to the automatic control, a separate control shall be provided for the A. D. I. pumps.

35. By amending § 4b.473 (c) to read as follows:

§ 4b.473 *Mixture controls.* * * *

(c) The mixture controls shall be placed in a location accessible to both pilots, except where a separate flight engineer station with control panel is provided, in which case the mixture controls shall be accessible to the flight engineer.

36. By amending § 4b.474 (a) (3) to read as follows:

§ 4b.474 *Propeller controls.* * * *

(a) *Propeller speed and pitch controls.* * * *

(3) The master propeller speed and pitch control or the separate propeller speed and pitch controls, if a master control is not provided, shall be placed to the right of the pilot's throttle and shall be at least 1 inch lower than the throttle controls. If a separate flight engineer station with a control panel is provided, the separate propeller speed and pitch controls shall be located at such station and shall be accessible to the flight engineer, in which case a master control shall be provided for the pilot.

37. By amending § 4b.476a to read as follows:

§ 4b.476a *Supercharger controls.* Supercharger controls shall be accessible

to the pilots, except where a separate flight engineer station with a control panel is provided, in which case they shall be accessible to the flight engineer.

38. By amending § 4b.480 (b) by deleting the reference "§§ 4b.481 through 4b.489" and substituting in lieu thereof the reference "§§ 4b.481 through 4b.490".

39. By amending § 4b.483 (c) by deleting the words "paragraph (a)" and inserting in lieu thereof the words "paragraphs (a) and (b)."

40. By amending § 4b.484 (a) (1) to read as follows:

§ 4b.484 *Fire extinguisher systems—*

(a) *General.* (1) Fire extinguisher systems shall be provided to serve all designated fire zones and the engine induction system. This requirement shall be effective with respect to applications for type certificates in accordance with the provisions of § 4b.12. In addition, all other airplanes manufactured after October 1, 1953, shall comply with this requirement unless the engine power section is completely isolated from the engine accessory section by a fireproof diaphragm complying with the provisions of § 4b.488 and unless the cowling and nacelle skin comply with the provisions of § 4b.487, in which case fire extinguisher systems need not be provided in the engine power section.

41. By amending § 4b.484 by deleting paragraph (a) (3) and making the text of this subparagraph (3) the first sentence of paragraph (e), and by redesignating the present paragraph (a) (4) as paragraph (a) (3).

42. By amending § 4b.486 (a) by deleting the word "engine."

43. By amending § 4b.487 by changing the headline and by adding a new paragraph (e) to read as follows:

§ 4b.487 *Cowling and nacelle skin.* * * *

(e) The airplane shall be so designed and constructed that fire originating in the engine power or accessory sections cannot enter, either through openings or by burning through external skin, into any other zone of the nacelle where such fire would create additional hazards. If the airplane is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all nacelle skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections.

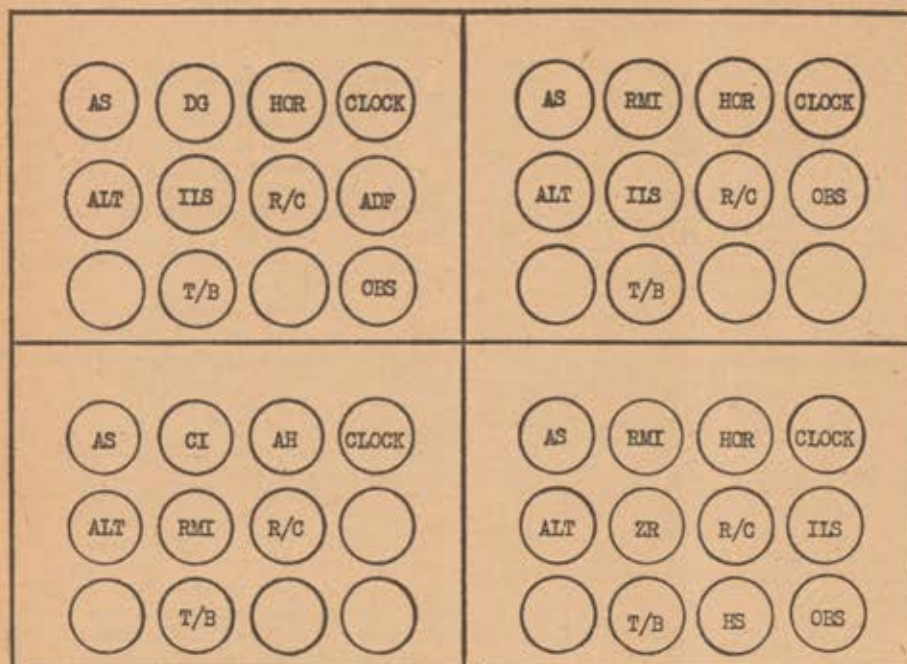
44. By amending § 4b.604 (m) by adding the following clause at the end of the paragraph: "or if the total engine cylinder displacement is 2,000 cubic inches or more."

45. By amending § 4b.604 by adding a new paragraph (n) as follows:

§ 4b.604 *Powerplant instruments.* * * *

(n) A means for each reversing propeller to indicate to the pilot when the propeller is in reverse pitch.

46. By amending Figure 4b-23 to read as follows:



ADF—Automatic direction finder.
 AH—Approach horizon.
 ALT—Altimeter.
 AS—Air speed.
 CI—Course indicator.
 DG—Direction gyro.
 HOR—Artificial horizon (bank and pitch).

HS—Heading selector.
 ILS—Instrument landing system.
 OBS—Omni-bearing selector.
 R/C—Rate of climb.
 RMI—Radio magnetic indicator.
 T/B—Turn and bank.
 ZR—Zero reader.

FIGURE 4b-23—BASIC FLIGHT INSTRUMENT PANEL ARRANGEMENT.

47. By amending § 4b.611 (b) to read as follows:

§ 4b.611 *Arrangement and visibility of instrument installations.* * * *

(b) Flight instruments required by § 4b.603 shall be grouped in accordance with one of the flight instrument panels in Figure 4b-23 dependent upon which instruments are installed. The panel shall be centered as nearly as practicable about the vertical plane of the pilot's forward vision. The required flight instruments not shown in Figure 4b-23 shall be placed adjacent to the prescribed grouping.

48. By amending § 4b.612 (a) (2) to read as follows:

§ 4b.612 *Flight and navigational instruments—(a) Air-speed indicating systems.* * * *

(2) The air-speed indicating system shall be calibrated to determine the system error, i. e., the relation between IAS and CAS, in flight and during the accelerated take-off ground run. The ground run calibration shall be obtained from 0.8 of the minimum value of V_1 to the maximum value of V_1 , taking into account the approved altitude and weight range for the airplane. In the ground run calibration, the flap and power settings shall correspond with the values determined in the establishment of the take-off path under the provisions of § 4b.116, assuming the critical engine to fail at the minimum approved value of V_1 .

49. By amending § 4b.632 by deleting from paragraphs (b) and (c) the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

50. By amending § 4b.632 (f) by deleting the numerals "36" and "60" and substituting in lieu thereof the numerals "65" and "85", respectively.

51. By adding a new § 4b.637 to read as follows:

§ 4b.637 *Anti-collision light.* If an anti-collision light is used, it shall be of the rotating beacon type installed on top of the fuselage or tail in such a location that the light would not be detrimental to the crew's vision and would not detract from the conspicuity of the position lights. The color of the anti-collision light shall be aviation red in accordance with the specifications of § 4b.635 (a). The arrangement of the anti-collision light, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute with an on-off ratio between 1:25 and 1:75. If an anti-collision light is used, it shall be permissible to install the position lights in a manner so that the forward position lights and the rear white position light are on steady while the fuselage lights and the rear red position light are not energized.

52. By amending § 4b.643 by deleting the first sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

53. By amending § 4b.645 to read as follows:

§ 4b.645 *Ditching equipment.* When the airplane is certificated for ditching in accordance with § 4b.361, the ditching equipment shall be as prescribed in paragraphs (a) through (d) of this section.

(a) *Life rafts.* Life rafts shall be of an approved type. Unless excess rafts of sufficient capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts shall be such as to accommodate all occupants of the airplane in the event of a loss of one life raft of the largest rated capacity on board. Each life raft shall be equipped with a trailing line and with a static line, the latter designed to hold the raft near the airplane but to release it in case the airplane becomes totally submerged. Each raft shall contain obvious markings of instruction on the operation of the raft.

(b) *Life raft equipment.* Approved equipment intended for survival shall be attached to each life raft and marked for identification and method of operation.

NOTE: The extent and type of survival equipment will depend upon the route over which the airplane is operated.

(c) *Long-range signalling device.* An approved long-range signalling device shall be provided for use in one of the life rafts.

(d) *Life preservers.* Life preservers shall be of an approved type. They shall be reversible and shall contain obvious markings of instruction on their use.

54. By amending § 4b.646 to read as follows:

§ 4b.646 *Stowage of safety equipment.* Special stowage provisions shall be made for all prescribed safety equipment to be used in emergencies. The stowage provision shall be such that the equipment is directly accessible and its location is obvious. All safety equipment shall be protected against inadvertent damage. The stowage provisions shall be marked conspicuously to identify the contents and to facilitate removal of the equipment. In addition, the following shall specifically apply.

(a) *Emergency exit means.* The stowage provisions for the emergency exit means required by § 4b.362 (e) (7) shall be located at the exits which they are intended to serve.

(b) *Life rafts.* The provisions for the stowage of life rafts required by § 4b.645 (a) shall accommodate a sufficient number of rafts for the maximum number of occupants for which the airplane is certificated. Stowage shall be near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released on the outside of the airplane shall be attached to the airplane by means of the static line prescribed in § 4b.645 (a).

(c) *Long-range signalling device.* The stowage provisions for the long-range signalling device required by § 4b.645 (c) shall be located near an exit to be available during an unplanned ditching.

(d) *Life preservers.* The provisions for the stowage of life preservers re-

quired by § 4b.645 (d) shall accommodate one life preserver for each occupant for which the airplane is certificated. They shall be located so that a life preserver is within easy reach of each occupant while seated.

55. By amending § 4b.651 (h) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(h) *Protective breathing system.* When protective breathing equipment is required by the Civil Air Regulations, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases while on flight deck duty and while combating fires in cargo compartments (see § 4b.380 (c)). The protective breathing equipment and the necessary supply of oxygen shall be in accordance with the following provisions.

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes.

(2) A supply of protective oxygen per crew member shall be of 15-minute duration at a pressure altitude of 8,000 feet and a respiratory minute volume of 30 liters per minute BTPD.

NOTE: When a demand type oxygen system is employed, a supply of 312 liters of free oxygen at 70° F. and atmosphere (760 mm Hg.) pressure is considered to be of 15-minute duration at the prescribed altitude and rate of flow. When a continuous flow protective breathing system is used, including a mask with a standard rebreather bag, a flow rate of 60 liters per minute at 8,000 feet (45 liters per minutes at sea level) and a supply of 623 liters of free oxygen at 70° F. and atmospheric pressure is considered to be of 15-minute duration. (BTPD refers to the international standard for measurement of gases. This standard assumes body temperature conditions, i. e., 37° C., at ambient pressure, dry.)

56. By amending § 4b.719 by changing the headline and the first sentence to read as follows:

§ 4b.719 *Airplane weight, center of gravity, and weight distribution limitations.* The airplane weight, center of gravity, and weight distribution limitations shall be those prescribed in §§ 4b.101, 4b.102, 4b.103, and, if applicable, § 4b.210 (c). * * *

57. By amending § 4b.471 (c) by adding the following at the end of the paragraph: "If structural reserve fuel conditions have been established (see § 4b.210 (c)), the fuel quantities and locations appropriate to each structural reserve fuel condition shall be included, together with statements to the effect that:

(1) Structural reserve fuel shall be used last, and

(2) The total fuel supply for any flight shall be not less than the fuel required by the applicable operating rules of the Civil Air Regulations to fly to the first point of intended landing, and thereafter to the most distant alternate airport if such alternate is required, plus the greater of the following:

(i) Any additional fuel which is required by the operating rules, or

(ii) The structural reserve fuel appropriate to the particular airplane loading condition.

b. It is proposed to amend Parts 4a, 41, 42, and 61 (proposed revised Part 40) and to issue a Special Civil Air Regulation, effective January 1, 1953, as follows:

1. By rescinding § 4a.749a-T.
2. By amending §§ 41.28 (d), 42.70 (c), and 61.214 (d) (§ 61.214 (d) will appear as § 40.53 (c) upon adoption of the proposed revision of Part 40) to read as follows:

§ 41.28 *General limitations.* * * *

(d) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off limitations of the transport category operating rules, after taking into account the temperature and humidity operating correction factors required by § 4b.117, and set forth in the Airplane Flight Manual for the airplane.

§ 42.70 *Operating limitations for transport category airplanes.* * * *

(c) (To read in substance the same as proposed § 41.28 (d) of this subchapter.)

§ 61.214 *General limitations.* * * *

(d) (To read in substance the same as proposed § 41.28 (d) of this subchapter.)

3. By amending §§ 41.30 (c), 42.75, and 61.221 (§ 61.221 will appear as § 40.58 upon adoption of the proposed revision to Part 40) to read as follows:

§ 41.30 *En route limitations.* * * *

(c) The provisions of this paragraph shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.34, assuming all engines to be operating at cruising power.

(2) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative to have a rate of climb in feet per minute equal to $0.01 V_{SO}^2$ (V_{SO} being expressed in miles per hour) with the airplane's weight equal to that which would exist 90 minutes after departure (assumed to be the moment of failure of the second engine). If fuel jettisoning is provided, the airplane's weight at this point shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.34 and to arrive there at an altitude of at least 1,000 feet directly over the landing area. The prescribed rate of climb shall be realized along all points of the route to the landing area either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles

on either side of the intended track or at an altitude of 5,000 feet, whichever is higher.

§ 42.75 *En route limitations—two engines inoperative.* (To read in substance the same as proposed § 41.30 (c) of this subchapter.)

§ 61.221 *En route limitations—two engines inoperative.* (To read in substance the same as proposed § 41.30 (c) of this subchapter.)

4. To issue a Special Civil Air Regulation superseding presently effective Special Civil Air Regulation SR-361 to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding and subject to the approval of the Administrator, any air carrier may engage, while operating airplanes in scheduled or other service in experimentation projects on a limited number of airplanes, such projects designed to improve position light and anti-collision light systems presently specified in Part 4b of the Civil Air Regulations. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and to avoid confusion in air navigation, and shall require each carrier to disclose publicly its deviations from the requirements of Part 4b at times and in a manner which he deems consistent with the best interests of safety.

Part 5

The presently effective Part 5 of the regulations concerning the certification of gliders consists only of the administrative provisions and utilizes the technical provisions of Part 3 as a basis for certification. No general discussions on Part 5 were held during the recent annual airworthiness meeting. There were noted, however, a couple of minor points of an editorial and clarifying nature. Therefore, the following two amendments are proposed. These amendments are made for the purpose of consistency with other airworthiness parts of the regulations.

It is proposed to amend Part 5, effective January 1, 1953, as follows:

1. By amending § 5.1 (a) (3) by adding the following reference: "(See § 5.18.)"

2. By amending § 5.15 (c) to read as follows:

§ 5.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

Part 6

Numerous subjects pertaining to rotorcraft were discussed at the recent annual airworthiness meeting. Some of these subjects are now considered sufficiently resolved to warrant specific proposals for amendment of the regulations. Other subjects are considered to require further study before proposals can be formulated.

The proposed amendments contained herein to Part 6 of the Civil Air Regulations reflect the discussions at the annual airworthiness meeting and include certain changes of considerable impor-

tance. They also include other substantive changes of relatively minor importance, as well as a number of editorial clarifications and corrections.

Certain of the subjects discussed at the annual airworthiness meeting which are not reflected in the proposed changes are considered of sufficient importance to set forth reasons for the lack of action at this time.

A proposal was made to establish a rotorcraft transport category. It was brought out at the meeting, however, that the establishment of a transport category, including the necessary detail requirements, would be premature at this time because of lack of experience with rotorcraft used in carrying passengers for hire. For example, considerable question exists as to the appropriateness of requiring all transport category rotorcraft to be multi-engine. The proposal presented at the annual meeting included such a requirement following the principles established for airplanes. There appears to be much less justification for applying these principles to rotorcraft. The Bureau believes that additional thought should be given to the basic principles underlying any future rotorcraft transport category before detail requirements for such rotorcraft can be established. Consequently, changes in Part 6 to establish a rotorcraft transport category are not proposed at this time. Instead, the study of this subject will be pursued with the aim of first establishing the broad principles and subsequently developing the detail criteria.

Consideration was given at the meeting to a proposed definition for hovering which would involve certain limitations with respect to forward speed and prevailing wind velocity. A number of different requirements in Part 6, including those pertaining to performance, controllability, and ventilation, make reference to hovering in zero wind. The use of hovering in zero wind is a rational basis for certain of the requirements. However, in other instances (controllability and ventilation) corrections from actually existing conditions to conditions of zero wind are not appropriate. Since this problem has many implications, more study is needed before establishing a definition for hovering. For this reason, a specific proposal for a change in the regulations is not being made at this time.

Some question was raised at the annual airworthiness meeting concerning the intent of the regulation with regard to the establishment of a range of rotor speeds and a variation in the never-exceed speed with the rotor speed. The Bureau considers that the requirement with respect to range of rotor speeds (§ 6.103 (a)) indicates clearly that such range shall provide a margin for variation of the rotor speed and will depend upon the individual design of the synchronizer or governor employed. Similarly, the regulation permits a variation of never-exceed speed with altitude and rotor speed (§ 6.711 (b)), if the ranges of the variables are sufficiently large to be practical and consistent with safety. It is possible that additional experience on rotorcraft in this respect will permit

the formulation of more specific rules. In the meantime, however, there appears no alternative but to rely upon findings of the Administrator in each individual type rotorcraft under consideration. For this reason no change in the regulation is being proposed.

A question was raised at the annual airworthiness meeting whether or not § 6.120 (b) should be interpreted to require a specific time delay between one flight maneuver and the next in performing a smooth transition. It was recommended that, if the intent of the regulation is to require a time delay, the wording should be altered accordingly. The Bureau considers that the language in this regulation is sufficiently clear as not requiring a time delay. Whether or not some time delay should be required is a matter for further study. Until such study is completed, the Bureau is not proposing a change to the regulation in this respect. (Note: A change is proposed to § 6.120 (b), but not with respect to the subject of time delay.)

A recommendation was made at the annual airworthiness meeting with respect to § 6.260 (a) that the prescribed crash load factors in the three directions should be considered as being applied separately. The Bureau considers that the intent of this requirement in Part 6, as well as in other aircraft airworthiness parts, always has been to treat all crash load factor components simultaneously, because a crash condition which would assume the load factors to act separately along one of the main axes of the rotorcraft would be unrealistic. For this reason, a change in the present regulation along the lines recommended is not being proposed.

Discussions during the annual airworthiness meeting indicated the desirability of reviewing the validity of certain provisions pertaining to landing loads. It was generally agreed that a study should be made of this subject with the objective of discussing the details during the 1953 annual airworthiness review. Consequently, specific proposals for changes in the regulations are not being made at this time.

It was recommended at the annual airworthiness meeting that § 6.719 include a statement to the effect that the scope and arrangement of the maintenance manual should be left to the discretion of the manufacturer. The Bureau considers that the recommended inclusion would not contribute in substance to the regulation, because the maintenance manual is not subject to the approval of the Administrator as is the case with a rotorcraft flight manual. Therefore, the arrangement of the manual automatically becomes a matter for decision by the manufacturer. On the other hand, the scope of the manual is prescribed by the regulations in general terms. For these reasons, such a change to the regulations is not proposed.

The following outstanding subjects discussed at the annual airworthiness meeting are considered sufficiently resolved to warrant specific proposals for changes in the regulations, and such proposals are contained herein.

A change in the regulations is herein proposed with respect to usable fuel. The presently effective regulations require that the fuel capacity be determined in relation to the maximum continuous horsepower. The proposed change would require the carriage of sufficient usable fuel for one hour's operation at the maximum continuous power (see proposed amendments to §§ 6.101 (b) (2) and 6.420).

The minimum maneuvering limit load factor prescribed in the presently effective regulations is 2.5. Experience indicates that for certain designs this value is overly conservative, and therefore it is proposed to reduce it to 2.0 (see proposed amendment to § 6.212). It has also been found that the presently effective regulation which requires auxiliary rotors to be designed for centrifugal loads equal to twice those resulting when the rotor is driven by the engine at maximum continuous speed is overly conservative. Consequently, it is proposed that the centrifugal loads be those resulting from operation of the engine at maximum design rotor speed (see proposed amendment to § 6.221).

A significant change is being proposed with respect to the application of rotor lift during landing. Two recommendations were made at the annual airworthiness meeting, one to allow rotor lift equal to one-half the design maximum weight, the other to allow two-thirds. Test data substantiating these two viewpoints were submitted subsequent to the meeting. These data indicate that considerable rotor lift is effective during a landing. Certain of these data attempted to show the validity of assuming the rotor lift to be two-thirds of the design maximum weight. However, these were not considered sufficiently conclusive for application to all type rotorcraft. For these reasons, the Bureau considers it more appropriate to propose that the rotor lift be assumed only one-half the design maximum weight. It is anticipated that further experimentation will be conducted on this matter and that at some future time a more accurate value for rotor lift can be established (see proposed amendment to § 6.230 (c) and proposed note under § 6.237 (a)).

Additional changes in substance are being proposed for the structural criteria. These include a clarification of equilibrium in the level landing conditions (see proposed amendment to § 6.231 (b) (2)), new specifications for shock absorption tests (see proposed amendment to § 6.237), and a reduction in the prescribed vertical load for the float landing conditions (see proposed amendment to § 6.245 (b)).

A change is being proposed with respect to cargo and baggage compartment fire protection. This change is intended to safeguard controls, wiring, lines, equipment, or accessories which might be located in baggage or cargo compartments (see proposed amendment to § 6.382). In addition, a provision is being proposed for protection from fire of structures, controls, etc., other than those located in baggage or cargo compartments (see proposed amendment to § 6.384).

A number of changes are being proposed which are intended to protect from engine fires rotorcraft equipped with engines of relatively high powers. These proposed rules are based on the assumption that a controlled autorotational landing can be executed within five minutes after the start of an engine fire. The scope of the proposals covers the installation of fire walls, lines and fittings, flammable fluid systems, shutoff means, fire detector and fire extinguisher systems (see proposed amendments to §§ 6.480, 6.482, 6.483 (a), 6.485, 6.486, 6.487, and 6.488).

It is proposed to amend Part 6, effective January 1, 1953, as follows:

1. By amending § 6.1 (a) (3) by adding the reference: "(See § 6.18.)".

2. By amending § 6.1 (g) (5) (i) by deleting the word "or" and inserting in lieu thereof the word "and".

3. By amending § 6.15 (c) to read as follows:

§ 6.15 Inspections and tests. * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

4. By amending § 6.101 (b) (2) to read as follows:

§ 6.101 Weight limitations. * * *

(b) * * * (2) usable fuel for one hour's operation at the maximum continuous power and rpm.

5. By amending § 6.101 (b) (4) to read as follows:

§ 6.101 Weight limitations. * * *

(b) * * * (4) 170 pounds in all seats, except that when the maximum permissible weight to be carried in a seat is less than 170 pounds it shall be acceptable to use this lesser weight. (See § 6.738 (a).)

6. By amending § 6.101 (d) (3) to read as follows:

§ 6.101 Weight limitations. * * *

(d) * * * (3) oil in the quantity determined in accordance with the provisions of § 6.440 (b).

7. By amending § 6.120 (b) by adding after the word "possible" the phrase "to maintain a flight condition and."

8. By amending § 6.121 (b) by deleting the words "the maximum permissible forward speed" and inserting in lieu thereof "V_{NE} (see § 6.711)."

9. By amending § 6.200 (a) by deleting from the third sentence the words "paragraph 5 (b) through (e)" and inserting in lieu thereof the words "paragraphs (b) through (e)."

10. By amending § 6.202 (c) by deleting the reference "§ 6.300" and inserting in lieu thereof the reference "§ 6.203."

11. By amending § 6.212 by deleting from the second sentence the numeral "2.5" and substituting in lieu thereof the numeral "2.0."

12. By amending § 6.221 by deleting from the second sentence the clause "centrifugal loads of twice those resulting when the rotor is driven by the engine at its maximum continuous speed." and inserting in lieu thereof the clause "centrifugal loads resulting from the maximum design rotor r. p. m."

13. By amending § 6.230 (c), (d), and (e) to read as follows:

§ 6.230 General. * * *

(c) *Design weight.* The design weight used in the landing conditions shall not be less than the maximum weight of the rotorcraft. It shall be acceptable to assume a rotor lift, not exceeding $\frac{1}{2}$ the design maximum weight, to exist throughout the landing impact and to act through the center of gravity of the rotorcraft.

(d) *Load factor.* The structure shall be designed for a limit load factor, selected by the applicant, of not less than the value of the limit inertia load factor substantiated in accordance with the provisions of § 6.237, except in conditions in which other values of load factor are prescribed.

(e) *Landing gear position.* The tires shall be assumed to be in their static position, and the shock absorbers shall be assumed to be in the most critical position, unless otherwise prescribed.

14. By amending § 6.230 by adding a new paragraph (f) to read as follows:

§ 6.230 General. * * *

(f) *Landing gear arrangement.* The provisions of §§ 6.231 through 6.236 shall be applicable to landing gear arrangements where two wheels are located aft and one or more wheels are located forward of the center of gravity.

15. By amending § 6.231 (b) (2) by adding the following to the present text: "For attitude prescribed in paragraph (a) (1) of this section the resulting pitching moment shall be assumed resisted by the forward gear, while for the attitude prescribed in paragraph (a) (2) of this section the resulting pitching moment shall be assumed resisted by angular inertia forces."

16. By amending § 6.237 to read as follows:

§ 6.237 Shock absorption tests. Drop tests shall be conducted in accordance with paragraphs (a) and (b) of this section to substantiate the landing limit inertia load factor (see § 6.230 (d)) and to demonstrate the reserve energy absorption capacity of the landing gear. The drop tests shall be conducted with the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

(a) *Limit drop test.* The drop height in the limit drop test shall be 13 inches measured from the lowest point of the landing gear to the ground. A lesser drop height shall be permissible if it results in a drop test contact velocity found by the Administrator to be equal to the greatest probable sinking speed of the rotorcraft at ground contact in power-off landings likely to be made in normal operation of the rotorcraft. In no case shall the drop height be less than 8 inches. If rotor lift is considered (see § 6.230 (c)), it shall be introduced in the drop test by the use of appropriate energy absorbing devices or by the use of an effective mass.

NOTE: In lieu of more rational computations, the following may be employed when use is made of an effective mass:

$$W_e = W \left[\frac{h + (1-L)d}{h+d} \right]; \text{ and } n = n_j \frac{W_e}{W} + L;$$

Where:

W_e = the effective weight to be used in the drop test (lbs.);

$W = W_M$ for main gear units (lbs.), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude;

$W = W_N$ for nose gear units (lbs.), equal to the vertical component of the static reaction which would exist at the nose wheel, assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1.0g downward and 0.25g forward;

h = specified free drop height (inches);

L = ratio of assumed rotor lift to the rotorcraft weight, not in excess of 0.5;

d = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches);

n = limit inertia load factor;

n_j = the load factor during impact developed on the mass used in the drop test (i. e., the acceleration dv/dt in g's recorded in the drop test plus 1.0).

(b) *Reserve energy absorption drop test.* The reserve energy absorption capacity shall be demonstrated by a drop test in which the drop height is equal to 1.5 times the drop height prescribed in paragraph (a) of this section, and the rotor lift is assumed to be not greater than 0.75 times the rotorcraft maximum weight, except that the resultant load factor need not exceed 1.5 times the limit inertia load factor determined in accordance with paragraph (a) of this section. In this test the landing gear shall not collapse.

NOTE: The effect of rotor lift may be considered in a manner similar to that prescribed in paragraph (a) of this section.

17. By amending § 6.245 (a) (1) by adding the following clause to the last sentence: "or shall be assumed to be the same as the load factor determined for the ground type landing gear."

18. By amending § 6.245 (b) to read as follows:

§ 6.245 Float landing conditions. * * *

(b) *Side load condition.* The vertical load in this condition equal to 0.75 the vertical load prescribed in paragraph (a) (1) of this section, divided equally between the floats, shall be applied together with a side component. The total side component shall be equal to 0.25 the total vertical load in this condition and shall be applied to one float only.

19. By amending § 6.251 (c) by deleting from the second sentence the phrase: "by a factor of 1.5." and substituting in lieu thereof the clause: ", as defined by the power conditions in § 6.1 (g) (3), by a factor of 1.33."

20. By amending § 6.306 (c) and (d) to read as follows:

§ 6.306 Material strength properties and design values. * * *

(c) ANC-5, ANC-18, and ANC-23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC-5, "Strength of Metal Aircraft Elements," ANC-18, "Design of Wood Aircraft Structures," and ANC-23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained

from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

21. By adding a new § 6.313 to read as follows:

§ 6.313 *Rotor blade clearance.* Clearance shall be provided between the main rotor blades and all other parts of the structure to prevent the blades from striking any part of the structure during any operating condition of the rotorcraft.

22. By amending § 6.338 to read as follows:

§ 6.338 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part.

23. By redesignating §§ 6.340 and 6.341 as §§ 6.341 and 6.342, respectively.

24. By adding a new § 6.340 to read as follows:

§ 6.340 *Floats.* Floats shall be of an approved type and shall comply with the provisions of §§ 6.341 and 6.342.

25. By amending redesignated § 6.342 (a) by deleting from the second sentence the words "maximum expected vertical load" and inserting in lieu thereof "vertical loads prescribed in § 6.245 (a)."

26. By amending redesignated § 6.342 (b) by deleting from the first sentence the words "maximum expected vertical, horizontal, and side loads" and inserting in lieu thereof "vertical, horizontal, and side loads prescribed in § 6.245."

27. By amending § 6.382 to read as follows:

§ 6.382 *Cargo and baggage compartments.* Cargo and baggage compartments shall be completely lined with fire-resistant material, except that flame-resistant materials shall be acceptable in compartments which are readily accessible to a crew member in flight. Compartments shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the rotorcraft, unless such items are shielded, isolated, or otherwise protected so that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such items will not create a fire hazard.

28. By amending § 6.384 to read as follows:

§ 6.384 *Fire protection of structure, controls, and other parts.* All structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft which would be affected by powerplant fires shall either be of fireproof construction or shall be otherwise protected, so that they can perform their essential functions for at least 5 minutes under all foreseeable powerplant fire conditions. (See also §§ 6.480 and 6.483 (a).)

29. By amending § 6.414 to read as follows:

§ 6.414 *Shafting critical speed.* The critical speeds of all shafting shall be determined by actual demonstration, except that analytical methods shall be acceptable for determining these speeds if the Administrator finds that reliable methods of analysis are available for the particular design. If the critical speeds lie within or close to the operating ranges for idling, power-on, and autorotative conditions, it shall be demonstrated by tests that the resultant stresses are within safe limits. If analytical methods are used and indicate that no critical speeds lie within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the permissible operating ranges shall be adequate to allow for possible variations of the computed values from actual values.

30. By amending § 6.420 to read as follows:

§ 6.420 *Capacity and feed.* The usable fuel capacity shall not be less than that required for one hour's operation at maximum continuous power and rpm. Gravity feed or mechanical pumping of fuel shall be employed. Air-pressure fuel systems shall not be allowed. The fuel supply system shall be arranged so that, insofar as practicable, the entire fuel supply can be utilized in the maximum inclinations of the fuselage for any sustained conditions of flight, and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. On rotorcraft with more than one fuel tank (see § 6.422 (e)) the system shall feed fuel promptly after one tank is turned off and another tank is turned on, and there shall be installed in addition to the fuel quantity indicator (see § 6.604 (a) (1)) a warning device to indicate when the fuel in any tank becomes low. The fuel remaining in such tank at the time of warning indication shall not be considered usable fuel.

31. By amending § 6.462 (c) to read as follows:

§ 6.462 *Induction system de-icing and anti-icing provisions.* * * *

(c) Rotorcraft equipped with sea level engines employing carburetors which have been tested and proven to incorporate features preventing the formation of ice shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

32. By amending § 6.462 (e) by deleting the phrase "embody features tending to reduce the possibility of ice formation" and inserting in lieu thereof the phrase "have been tested and proven to incorporate features preventing the formation of ice."

33. By amending § 6.480 by adding a note to read as follows:

§ 6.480 *General.* * * *

NOTE: The powerplant fire protection provisions are intended to insure that the main

and auxiliary rotors and controls remain operable, the essential rotorcraft structure remains intact, and that the passengers and crew are otherwise protected for a period of at least 5 minutes after the start of an engine fire to permit a controlled autorotational landing.

34. By amending § 6.482 by adding the following to the present text: "Shutoff valves and their controls shall be located on the remote side of the fire wall from the engine, unless it is shown that the valve will perform its intended functions under all fire conditions likely to result from an engine fire. In installations using engines of less than 500 cu. in. displacement, shutoff means need not be provided for engine oil systems."

35. By amending § 6.483 (a) to read as follows:

§ 6.483 *Fire wall.* (a) Engines shall be isolated from personnel compartments by means of fire walls, shrouds, or other equivalent means. They shall be similarly isolated from the structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft, unless such parts are protected in accordance with the provisions of § 6.384. All auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means. In complying with the provisions of this paragraph, account shall be taken of the probable path of a fire as affected by the air flow in normal flight and in autorotation. (See also § 6.486.)

36. By adding a new § 6.485 to read as follows:

§ 6.485 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in areas subject to engine fire conditions shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Except those lines and fittings forming an integral part of the engine, lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved types.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section.

37. By adding a new § 6.486 to read as follows:

§ 6.486 *Flammable fluids.* (a) Fuel tanks shall be isolated from the engine by a fire wall or shroud. On all rotorcraft having engines of more than 900 cu. in. displacement, oil tanks and other flammable fluid tanks shall be similarly isolated unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Not less than one-half inch of clear air space shall be provided between any tank and the isolating fire wall or shroud unless other equivalent means are used to protect against heat transfer from the engine compartment to the flammable fluid.

38. By adding a new § 6.487 to read as follows:

§ 6.487 *Fire detector systems.* On all rotorcraft having engines of more than 900 cu. in. displacement, quick-acting fire detectors of an approved type shall be provided in all engine compartments, and they shall be sufficient in number and location to assure prompt detection of engine fires. Fire detector systems shall comply with the following provisions:

(a) Fire detectors shall be constructed and installed to assure their ability to resist without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(b) Fire detectors shall be unaffected by the exposure to oil, water, or other fluids or fumes which might be present.

(c) Means shall be provided to permit the crew to check in flight the functioning of the electrical circuit associated with the fire detector system.

(d) Wiring and other components of the fire detector systems which are located in engine compartments shall be of fire-resistant construction.

39. By adding a new § 6.488 to read as follows:

§ 6.488 *Fire extinguisher systems—*
(a) *General.* (1) On all rotorcraft having engines of more than 1,200 cu. in. displacement, fire extinguisher systems shall be provided to serve all engine compartments and engine induction systems.

(2) On single-engine rotorcraft, the fire extinguisher system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide an adequate discharge for the engine compartment. On multiengine rotorcraft, the system shall provide two adequate discharges and it shall be possible to direct both discharges to any engine compartment.

(b) *Fire-extinguishing agents.* (1) Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been shown to provide equivalent extinguishing action.

(2) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is employed, provision shall be made to prevent the entrance of harmful concentration of fluid or fluid vapors into any personnel compartments either due to leakage during normal operation of the rotorcraft or as a result of discharging the fire extinguisher on the ground or in flight even though a defect may exist in the extinguishing system. Compliance with this requirement shall be demonstrated by appropriate tests.

(3) If a methyl bromide system is provided, the containers shall be charged with a dry agent and shall be sealed by the fire extinguisher manufacturer or by any other party employing appropriate recharging equipment.

(c) *Extinguishing agent container pressure relief.* Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The following provisions shall apply:

(1) The discharge line from the relief connection shall terminate outside the rotorcraft in a location convenient for inspection on the ground.

(2) An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

(d) *Extinguishing agent container compartment temperature.* Under all conditions in which the rotorcraft is intended for operation, the temperature range of the extinguishing agent containers shall be maintained to assure that the pressure in the containers can neither fall below the minimum necessary to provide an adequate rate of extinguishing agent discharge nor rise above a safe limit so that the system will not be prematurely discharged.

(e) *Fire extinguisher system materials.* Materials in the fire extinguisher system shall not react chemically with the extinguishing agent so as to constitute a hazard. All components of the fire extinguisher systems located in engine compartments shall be constructed of fireproof materials.

40. By amending § 6.620 (c) by deleting the first sentence and inserting in lieu thereof the following: "Electrical sources of power shall have sufficient capacity during all normal flight operating conditions to supply the electrical load requirements without electrical or thermal distress."

41. By amending § 6.626 by deleting the words "used in flight" and inserting in lieu thereof the words "essential to safety in flight."

42. By amending § 6.631 (a) to read as follows:

§ 6.631 *Landing lights.* (a) When landing or hovering lights are required, they shall be of an approved type.

43. By amending § 6.632 (b) by deleting the last sentence and inserting in lieu thereof the following: "The individual lights shall be of an approved type."

44. By amending § 6.632 (c) by deleting the last sentence and inserting in lieu thereof the following: "The light shall be of an approved type."

45. By amending § 6.710 by inserting the words "rotor speed, power," after the word "altitude."

46. By amending § 6.711 (a) by inserting in the second sentence the words "at sea level" between the words "speed" and "with."

47. By amending § 6.713 by adding after the first sentence the reference: "(See also § 6.710.)."

48. By amending § 6.714 (b) (2) by adding at the end of the subparagraph the reference: "(See §§ 6.103, 6.710, and 6.711.)."

49. By amending § 6.719 by adding at the end of the section the following sentence: "Such components shall be identified by serial number or by other equivalent means."

50. By amending § 6.732 by deleting the reference: "(See § 6.612 (a).)" and inserting in lieu thereof the reference: "(See §§ 6.612 (a), 6.710, 6.711, 6.712, 6.713, and 6.715.)."

Part 13

There were only a few substantive matters regarding the certification of engines discussed at the recent annual airworthiness meeting.

The most important subject was that of engine endurance tests. Two separate proposals were made at the meeting, both intended to increase the severity of these tests. One of the proposals provided for test runs at powers and speeds above the rated. The proponents of this proposal indicated that such over-rating in the tests was necessary in order to remedy for the future the type difficulties which are being experienced on presently operated engines. No meeting of minds was reached between the proponents of the two separate proposals, although it was generally agreed that more severe tests are appropriate.

The Bureau considers that insufficient evidence has been presented to support the necessity of endurance tests under powers and speeds higher than the rated. For this reason, the Bureau considers it appropriate to propose amending the regulations to include those endurance test provisions suggested at the meeting which do not involve over-rating of engines. However, the Bureau considers that the subject of power and speed over-rating in endurance tests deserves further study to ascertain the effectiveness of such tests in improving the reliability of engines in service.

At the annual airworthiness meeting it was generally agreed that the regulations should include a requirement for the installation of power indicating provisions (torquemeter heads) on newly certificated engines of certain minimum power rating. However, there was also agreement that power indication should be provided on all transport category airplanes using engines of over 2,000 cubic inch displacement and on all engines using automatic feathering propellers. In view of this, the Bureau considers it unnecessary that Part 13 include a mandatory requirement for power indicating provisions.

In addition to the more severe endurance test requirements, the proposed amendments contained herein include a few items of an editorial and clarifying nature.

It is proposed to amend Part 13, effective January 1, 1953, as follows:

1. By amending § 13.1 (a) (3) by adding the following reference: "(See § 13.18.)."

2. By amending § 13.15 (c) to read as follows:

§ 13.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

3. By amending § 13.152 by deleting from the second sentence the words "such tests" and substituting in lieu

thereof the words "the power characteristics calibration tests".

4. By amending § 13.154 to read as follows:

§ 13.154 *Endurance test.* The endurance test of an engine with a representative propeller shall include a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, shall consist of one of the series of runs specified in paragraphs (a) through (c) of this section, whichever series is applicable. The runs shall be performed in such periods and order as are found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankshaft rotational speed shall be controlled within ± 3 percent of the specified values.

(a) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power.

(2) A 20-hour run shall be conducted consisting of alternate periods of $1\frac{1}{2}$ hours at maximum continuous power and speed, and $\frac{1}{2}$ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run shall be conducted consisting of alternate periods of $1\frac{1}{2}$ hours at maximum continuous power and speed, and $\frac{1}{2}$ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run shall be conducted consisting of alternate periods of $1\frac{1}{2}$ hours at maximum continuous power and speed, and $\frac{1}{2}$ hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run shall be conducted consisting of alternate periods of $1\frac{1}{2}$ hours at maximum continuous power and speed, and $\frac{1}{2}$ hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run shall be conducted consisting of alternate periods of $1\frac{1}{2}$ hours at maximum continuous power and speed, and $\frac{1}{2}$ hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run shall be conducted consisting of alternate periods of $2\frac{1}{2}$ hours at maximum continuous power and speed, and $2\frac{1}{2}$ hours at maximum best economy cruising power or at maximum recommended cruising power.

(b) *Two-speed engines.* For engines incorporating a two-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power. If a take-off rating is desired in the higher gear ratio, 15 hours of the

30-hour run shall be conducted in the higher gear ratio in alternate periods of 5 minutes at the observed horsepower obtainable with the take-off critical altitude manifold pressure and take-off speed, and 5 minutes at 70 percent high ratio maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and $\frac{1}{2}$ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and $\frac{1}{2}$ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 30-hour run shall be conducted in the higher gear ratio at maximum continuous power and speed.

(5) A 5-hour run shall be conducted consisting of alternate periods of 5 minutes in each of the supercharger gear ratios. The first 5 minutes of the test shall be conducted at normal rated speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of the normal rated manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate 5 minutes in the lower gear ratio shall be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 2 hours at maximum continuous power and speed, and 2 hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A 5-hour run shall be conducted in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

NOTE: Where simulated altitude test equipment is not available and when operating in the higher gear ratio, the runs may be conducted at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof,

and the fuel-air mixtures may be adjusted rich enough to suppress detonation.

(c) *Helicopter engines.* For engines to be eligible for use on helicopters, the following series of runs shall apply:

(1) A 35-hour run shall be conducted consisting of alternate periods of 30 minutes each at take-off power and speed, and at maximum continuous power and speed.

(2) A 25-hour run shall be conducted consisting of alternate periods of $2\frac{1}{2}$ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at maximum continuous speed.

(3) A 25-hour run shall be conducted consisting of alternate periods of $2\frac{1}{2}$ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(4) A 25-hour run shall be conducted consisting of alternate periods of $2\frac{1}{2}$ hours each at 80 percent maximum continuous power at take-off speed, and at 80 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(5) A 25-hour run shall be conducted consisting of alternate periods of $2\frac{1}{2}$ hours each at 80 percent maximum continuous power at take-off speed, and at either maximum continuous power at 110 percent maximum continuous speed or at take-off power at 103 percent take-off speed, whichever condition results in the greater speed.

(6) A 15-hour run shall be conducted at 105 percent maximum continuous power and 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, provided that 105 percent of the maximum continuous power is not exceeded.

5. By amending § 13.252 (a) by deleting from the second sentence the words "such tests" and substituting in lieu thereof the words "the power characteristics calibration tests."

Part 14

No general discussions with respect to certification of propellers were held during the recent annual airworthiness meeting. There were noted, however, two minor points of an editorial and clarifying nature. Therefore, the following amendments are proposed. These amendments are made for the purpose of consistency with other airworthiness parts of the regulations.

It is proposed to amend Part 14, effective January 1, 1953, as follows:

1. By amending § 14.1 (a) (3) by adding the following reference: "(See § 14.18.)"

2. By amending § 14.15 (c) to read as follows:

§ 14.15 *Inspections and tests.* . . .

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

[F. R. Doc. 52-11496; Filed, Oct. 23, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 488]

REGIONAL AND ACTING REGIONAL ADMINISTRATORS AND CHIEF AND REGIONAL CHIEFS, DIVISION OF ADMINISTRATION

DELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

OCTOBER 20, 1952.

SECTION 1. *Authority of certain officers to dispose of excess real property.* Pursuant to the authority contained in section 4 (b) of Order No. 2696 of July 17, 1952, of the Secretary of the Interior, the following classes of employees are authorized to transfer, donate or dispose of real property and related personal property excess to the needs of the Bureau of Land Management, as provided in that order and in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U. S. C. 1946 ed., Supp. V, secs. 471-475) as amended, and the regulations issued thereunder contained in 44 CFR 1951 Supp., Part 101:

Regional Administrators.
Acting Regional Administrators.
Chief, Division of Administration.
Regional Chiefs, Division of Administration.

WILLIAM PINCUS,
Acting Director.

[F. R. Doc. 52-11486; Filed, Oct. 23, 1952;
8:46 a. m.]

ECONOMIC STABILIZATION
AGENCY

Office of Price Stabilization

[General Overriding Regulation 10, Special Order 13]

WHITE ROCK BOTTLING CO. OF ARIZONA,
INC.

ADJUSTED CEILING PRICES

Statements of considerations. White Rock Bottling Company of Arizona, Inc. (hereinafter called "applicant") has applied to the Office of Price Stabilization pursuant to General Overriding Regulation 10 for an adjustment of its ceiling prices and the ceiling prices of resellers for sales of White Rock Beverage and Dad's Root Beer.

Applicant submitted the information required by section 3 of the regulation which in the judgment of the Director established that it was eligible for an adjustment.

On the basis of the information submitted, it appeared that applicant bottled the commodities in question for sale to retailers in the Phoenix area. It further appeared that applicant had been operating at a loss with respect to its bottling operations, and that the loss was

attributable to the level of its ceiling prices. Letter Order No. GOR 10, Sec. 4, L-196 was issued June 2, 1952, adjusting applicant's ceiling prices as follows:

12-26 ounces White Rock Beverage, from \$1.45 to \$1.60 per case.

12-32 ounces Dad's Root Beer, from \$1.25 to \$1.45 per case.

Since the issuance of the above-mentioned Letter Order, the retailers who purchased from applicant have had a ceiling price for White Rock Beverage of 19 cents per bottle, under the provisions of section 11 of the General Ceiling Price Regulation. Applicant points out that his resellers compete directly with Canada Dry Beverages, for which they have a ceiling price of 20 cents per bottle or two bottles for 39 cents. Applicant states that, unless its resellers can charge the same price for White Rock Beverage as they do for the competitive products, the economic effect is to nullify to some extent the relief it was supposed to have obtained under the Letter Order issued on June 2, 1952.

In the judgment of the Director, adjustment of the ceiling prices of retailers who resell applicant's White Rock Beverage is necessary, in line with the established ceiling prices of retailers in the Phoenix area for the sale of the competitive White Rock Beverages. This order therefore establishes for retailers who resell applicant's 28 oz. White Rock Beverage ceiling prices of 20 cents per bottle or two bottles for 39 cents.

Paragraph 3 of this order requires applicant to supply a copy of this special order to each retailer to whom applicant sells its White Rock Beverage.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of General Overriding Regulation 10, this special order is issued.

1. The ceiling prices for 28-ounce bottles of White Rock Beverage sold by retailers in the Phoenix, Arizona, area who have purchased this commodity from the White Rock Bottling Company of Arizona, Inc. of Phoenix, Arizona, shall be 20 cents per bottle and two bottles for 39 cents.

2. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

3. White Rock Bottling Company of Arizona, Inc. shall deliver a copy of this special order to each retailer to whom it sells White Rock Beverage, such delivery to be made in each case with or prior to the first delivery of White Rock Beverage to the reseller after the effective date of this order.

Effective date. This special order is effective October 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11443; Filed, Oct. 17, 1952;
4:46 p. m.]

[Ceiling Price Regulation 34, as Amended,
Section 20 (c), Special Order 16]

TRUSTEE OF CENTER TOWNSHIP, LAKE
COUNTY, CROWN POINT, INDIANA

CEILING PRICES FOR INDIGENT BURIAL SERVICES AND GRAVE OPENING AND CLOSING RENDERED

State of considerations. The ceiling prices for indigent burial services rendered to the Trustee of Center Township, Lake County, Crown Point, Indiana, are adjusted by this Special Order pursuant to section 20 (c) of CPR 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his seller's existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that the Lake County Funeral Directors Association in Lake County, Indiana, render indigent burial services to the Trustee of Center Township. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of such burial services to the applicant are too numerous to make recourse to paragraph 20 (b) of CPR 34, as amended, practicable. The increased ceiling prices reflect the direct labor and

material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of CPR 34, as amended, this Special Order is hereby issued.

1. The application of the Trustee of Center Township, Lake County, Crown Point, Indiana (hereinafter referred to as Trustee), for an adjustment of the ceiling prices which sellers of indigent burial services may charge applicant is granted as follows:

(a) On and after the effective date of this Special Order, the ceiling price for burial services supplied to Trustee by the following firms shall be for each indigent burial a maximum price of \$150 plus \$25 for grave opening and closing:

LAKE COUNTY FUNERAL DIRECTORS ASSOCIATION, LAKE COUNTY, INDIANA

GARY

Creswell Funeral Home, 2101 Broadway.
Geisen Funeral Home, 3805 Adams Street.
Guy, R. D., Funeral Home, 2315 Broadway.
Hower Funeral Home, 1617 Washington Street.

Lach & Stillinovich Funeral Home, 531 West Eleventh Street.

Linton & McColly Funeral Home, 4286 Broadway.

Morris Mortuary, 1993 Massachusetts Street.

Pawinski & Son Funeral Home, 1728 Connecticut Street.

Powell Funeral Home, 1901 Washington Street.

Prusin Funeral Home, 1111 Roosevelt Street.

Shonske Funeral Home, 21 West Ridge Road.

Smith Funeral Home, 2293 Washington Street.

Williams & Burns Funeral Home, Seventh and Adams Street.

EAST CHICAGO

Dennis Funeral Home, 3719 Butternut Street.

Dziadosz Brothers Funeral Home, 1020 West One Hundred and Fiftieth Street.

Fife Funeral Home, 706 Chicago Avenue.

Hinton Funeral Home, 4859 Alexander Avenue.

Huber Funeral Home, 905 Chicago Avenue.

Lesniak Funeral Home, 4918 Magoun Avenue.

McGuan Funeral Home, 3438 Fir Street.

Myallwy Funeral Home, 4902 Reading Avenue.

Nicholson Funeral Home, 3801 Catalpa Street.

Newicki Funeral Home, 3820 Pulaski Street.

Oleska Funeral Home, 3934 Elm Street.

Prusiecki Funeral Home, 3831 Main Street.

WHITING

Baran Funeral Home, 1231 One Hundred and Nineteenth Street.

Kosior Funeral Home, 2031 Indianapolis Boulevard.

Owens Funeral Home, 1225 One Hundred and Nineteenth Street.

Schlatter Funeral Home, 1620 Indianapolis Boulevard.

Spanburg Funeral Home, 1806 Indianapolis Boulevard.

HAMMOND

Bocken Funeral Home, 7042 Kennedy Avenue.

Burns Funeral Home, 5840 Hohman Avenue.

Dalton Funeral Home, 727 Carroll Street.

Dziadosz Brothers Funeral Home, 4404 Cameron Avenue.

Emmerling Funeral Home, 6020 Hohman Avenue.

Huber, Clarence J. Funeral Home, 722 One Hundred and Sixty-fifth Street.

Huber Funeral Home, 7051 Kennedy.

Myallwy Funeral Home, 1111 Conkey Street.

Neidow Funeral Home, 117 Blimbach Street.

Coxmann Funeral Home, 5713 Hohman Avenue.

Snyder Funeral Home, 5746 Hohman Avenue.

CROWN POINT

Geisen Funeral Home, Crown Point, Ind.

Linton & McColly Funeral Home, Crown Point, Ind.

HOBART

Pfugeheft Funeral Home, Hobart, Ind.

Reese Funeral Home, Hobart, Ind.

LOWELL

Sheets Funeral Home, Lowell, Ind.

Weaver Funeral Home, Lowell, Ind.

DYER

Pagen Funeral Gardens, Dyer, Ind.

GRIFFITH

Johnston & Royce Funeral Home, 242 Griffith Boulevard.

HIGHLAND

Pagen Funeral Gardens, 2828 Highway Avenue.

CALUMET CITY, ILL.

Czechanski, Joseph Funeral Home, 248 One Hundred and Fifty-fifth Place.

LANSING, ILL.

Schroeder Funeral Home, Lansing, Ill.

2. Trustee may pay to the sellers listed therein the prices determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former selling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by Trustee to the firms listed above. A copy of this order shall be kept at the place of business of each of these firms and another copy shall be filed by each seller of burial service with the appropriate District Office of the Office of Price Stabilization with which each of the firms has filed or is required to file a statement of its ceiling prices under section 18 of CPR 34.

4. All provisions of CPR 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

5. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective October 18, 1952.

TIGHE E. WOODS,

Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11444; Filed, Oct. 17, 1952; 4:47 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27470]

CRUDE PETROLEUM OIL FROM WATFORD CITY, N. DAK., TO SHEBOYGAN, WIS.

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company for itself and on behalf of carriers parties to its tariff I. C. C. No. A-8051.

Commodities involved: Crude petroleum oil, in tank-car loads.

From: Watford City, N. Dak.

To: Sheboygan, Wis.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: GN Ry. tariff I. C. C. No. A-8051, Supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11487; Filed, Oct. 23, 1952; 8:47 a. m.]

[4th Sec. Application 27471]

LOGS FROM VIRGINIA TO HIGH POINT, AND THOMASVILLE, N. C.

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the High Point, Thomasville & Denton Railroad Company and other carriers.

Commodities involved: Logs, native wood, Canadian wood or Mexican Pine, carloads.

Territory: From Disputanta, Va., to Thomasville, N. C., and from New Bohemia, Va., to High Point, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 728, Supp. 253.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11488, Filed, Oct. 23, 1952;
8:47 a. m.]

[4th Sec. Application 27472]

PHOSPHATE ROCK FROM POINTS IN TENNESSEE TO TULSA, OKLA.

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1169.

Commodities involved: Phosphate rock, ground or not ground, not acidulated nor ammoniated, in carloads.

From: Points in Tennessee.
To: Tulsa, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1169, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11489; Filed, Oct. 23, 1952;
8:47 a. m.]

[4th Sec. Application 27473]

ASPHALT FROM CERTAIN POINTS TO ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3825.

Commodities involved: Asphalt, in tank-car loads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3825, Supp. 153.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11490; Filed, Oct. 23, 1952;
8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 22]

HAND-BLOWN GLASSWARE

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission to

be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., on March 2, 1953, in the investigation with respect to hand-blown glassware instituted on September 26, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 8792).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 17th day of October 1952.

Issued: October 20, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-11497; Filed, Oct. 23, 1952;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6459]

DUKE POWER CO.

NOTICE OF APPLICATION

OCTOBER 20, 1952.

Take notice that on October 16, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Duke Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of 2,777,615 shares of Common Stock without par value. Applicant proposes to reduce the stated value of its issued and outstanding shares of Common Stock without nominal or par value to \$25 per share and to issue two additional shares of Common Stock without nominal or par value to have a stated value of \$25 per share for each share issued and outstanding. The additional Common Stock will be issued pro rata to the holders of the outstanding Common Stock of Applicant upon a basis of two shares of additional stock for each one share held; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of November 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIE,
Acting Secretary.

[F. R. Doc. 52-11495; Filed, Oct. 23, 1952;
8:48 a. m.]

